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In The
Supreme Court of the United States

October Term, 1993

ROBERT EDWARD STANSBURY,

Petitioner,

vs.

STATE OF CALIFORNIA,

Respondent.

**On Writ Of Certiorari
 To The Supreme Court Of The
 State Of California**

**JOINT APPENDIX
 VOLUME I, pages 1-246**

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**Petition For Certiorari Filed August 24, 1993
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<u>Date</u>	<u>Proceedings</u>
November 23, 1982	Information filed; defendant arraigned and pleads not guilty
April 30, 1984	Defendant's Notice of Motion and Motion to Suppress Evidence Under Section 1538.5 of the Penal Code filed
June 25, 1984	Opposition to Miranda Based 1538.5 Motion filed
October 30, 1984	Hearing on Defendant's motion to suppress begins
November 5, 1984	Minute order granting in part defendant's motion to suppress
January 7, 1985	Jury selection begins
February 26, 1985	Trial by jury commences
May 22, 1985	Verdict in guilt phase of trial, defendant found guilty under Count I, California Penal Code § 187, 1st degree; Count II, Penal Code § 288B; Count III, Penal Code § 261.2; Count IV, Penal Code § 207; special circumstances and enhancement allegations found true
May 29, 1985	Penalty trial commences
May 31, 1985	July returns penalty phase verdict of death
July 15, 1985	Defendant sentenced to death for violations of California Penal Code

section 187; sentencing as to counts II-IV stayed

March 8, 1993	Opinion of the Supreme Court of the State of California, affirming judgment in full, filed
May 26, 1993	Order of the Supreme Court of the State of California, denying rehearing and modifying opinion, filed
May 26, 1993	Remittitur of the Supreme Court of the State of California, filed

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE)	Case No. A 529247
STATE OF)	NOTICE OF MOTION TO
CALIFORNIA,)	SUPPRESS EVIDENCE
	Plaintiff,) UNDER SECTION 1538.5
)	OF THE PENAL CODE
vs.)	
ROBERT EDWARD)	
STANSBURY)	
	Defendant,)
)

TO: ROBERT PHILIBOSIAN, DISTRICT ATTORNEY OF LOS ANGELES COUNTY, AND TO THE CLERK OF THE SUPERIOR COURT.

NOTICE IS HEREBY GIVEN THAT on May 7, 1984, at 1:30 p.m., or as soon thereafter as the matter can be heard, at the courtroom of Department F, or such other courtroom to which said motion is assigned, the defendant will move the Court, pursuant to Penal Code Section 1538.5, for an order to suppress as evidence all tangible or intangible things obtained as a result of defendant's statement to police officers; including the defendants statements to said police officers.

This motion will be based on this notice, the pleadings, records, files in this action, and oral and documentary evidence to be presented at the hearing of the motion.

DATED: April 30, 1984

/s/ David Daugherty
 DAVID DAUGHERTY
 Attorney for Defendant

/s/ Anthony R. Robusto
 ANTHONY R. ROBUSTO
 Attorney for Defendant

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Case No. A 529247

POINTS AND AUTHORITIES IN SUPPORT
 OF MOTION TO SUPPRESS EVIDENCE.
 (PENAL CODE SECTION 1538.5)
 (Caption Omitted In Printing)

THE WITHIN MEMORANDUM of Points and Authorities is filed in compliance with the order of the presiding Judge of the criminal department that defendants must file such a memorandum in all 1538.5 motions ten days in advance of the hearing.

FACTS AND ISSUES

In this case, the police authorities conducted an interview with the defendant. The interview was conducted at the Pomona Police Department. The interview took place at 11:00 p.m. in downstairs interview room at the Pomona Police Department. The defendant was interviewed by Sergeant Johnston of the Los Angeles Sheriff's Department and by Detective Darlene Bell of the Baldwin Park Police Department.

At the conclusion of this interview the defendant was arrested for the charges now pending against him.

At no time prior to the commencement of said interview was the defendant advised of his "*Miranda Rights*."

The interview was terminated when the police officers conducting this interview advised the defendant of his "*Miranda Rights*."

When the defendant was advised of his "Miranda Rights" he declined to speak any further without the aid of counsel.

It is the defendant's contention that the interview of the defendant was a custodial interrogation; that the defendant was not advised of his constitutional [sic] rights prior to the commencement of the interview. Hence, the defendant's statement to the police authorities should be suppressed, as well as any and all "*Fruits of the Poisonous Tree*."

MIRANDA RULE

THE MIRANDA RULE PROVIDES A PROCEDURE FOR ENSURING THAT STATEMENTS MADE DURING CUSTODIAL INTERROGATION ARE NOT THE PRODUCT OF FORCED SELF-INCRIMINATION. IT REQUIRES THAT THE ACCUSED BE WARNED THAT HE OR [sic] SHE HAS A RIGHT TO REMAIN SILENT, THAT ANY STATEMENT MADE MAY BE USED AS EVIDENCE, THAT THERE IS A RIGHT TO THE PRESENCE OF AN ATTORNEY DURING INTERROGATION, AND THAT THE COURT WILL APPOINT AN ATTORNEY IF THE DEFENDANT CANNOT AFFORD ONE. ANY WAIVER OF THESE RIGHTS MUST BE VOLUNTARY.

In the landmark case of *Miranda v. Arizona*, (1966) 384 U.S. 436, 16 Led2d 694, 86 S. Ct. 1602 the United States Supreme Court held that the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrated that procedural safeguards, effective to secure the privilege against self-incrimination, were used.

In the absence of other fully effective means to inform accused persons of their right to silence and to ensure a continuous opportunity to exercise it the following measures are required. Before any questioning begins, the accused must be warned that:

1. He or she has a right to remain silent;
2. Any statement he or she does make may be used as evidence against him or her;
3. He or she has a right to the presence of an attorney during questioning;
4. If he or she cannot afford an attorney, one will be appointed at public expense.

No amount of circumstantial evidence that the defendant was aware of the right to remain silent and was aware of the fact that anything said could be used against him or her will excuse the failure to give MIRANDA warnings as a prerequisite to custodial interrogation. *Miranda v. Arizona* (1966) 384 U.S. 436, 471-472, 16 L. ED. 2d 694, 86 S. Ct. 1602; *People v. Bennett* (1976) 58 Cal. App. 3d 230, 237, 129 Cal Rptr. 679.

Similarly, the defendant's parole status does not permit the police to interrogate the parolee about suspected criminal activity without first apprising him or her of the constitutional rights outlines [sic] in MIRANDA. *In RE MARTINEZ* (1970) 1 Cal 3d 641, 647, 83 Cal Rptr 382, 463p. 2d 734, cert den, 400 U.S. 851 (1970); *People v. Gordon* (1978) 84 Cal App. 3d 913, 922, 149 Cal Rptr 91.

CUSTODIAL INTERROGATION

CUSTODIAL INTERROGATION IS QUESTIONING INITIATED BY LAW ENFORCEMENT OFFICERS AFTER A PERSON HAS BEEN PLACED IN CUSTODY. CUSTODY OCCURS WHEN THE SUSPECT IS PHYSICALLY DEPRIVED OF HIS OR HER FREEDOM OF ACTION IN ANY SIGNIFICANT WAY, OR IS REASONABLY LED TO BELIEVE THAT HE OR SHE IS SO DEPRIVED. THE MOST IMPORTANT FACTORS TO BE CONSIDERED IN DETERMINING WHETHER CUSTODY HAS ATTACHED IN CIRCUMSTANCES [sic] SHORT OF ARREST ARE: (1) SITE OF INTERROGATION; (2) WHETHER INVESTIGATION HAD FOCUSED ON THE SUSPECT; (3) WHETHER THE OBJECTIVE INDICIA OF ARREST WERE PRESENT; AND (4) THE LENGTH AND FORM OF THE QUESTIONING.

The Miranda case itself defines custodial interrogation as questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his or her freedom of action in any significant way. *Miranda v. Arizona* (Supra)

California goes a step further by holding that custody occurs if the suspect is physically deprived of his or her freedom of action in any significant way or is reasonably led to believe that he or she is so deprived. *People v. White* (1968) 69 Cal 2d 751, 760, 72 Cal Rptr. 873, 446 P. 2d 993 Cert. den., 355 U.S. 846 (1957); *People v Arnold* (1967) 66 Cal 2d 437, 448, 58 Cal Rptr. 115, 426 P. 2d 515; *People v Superior Court (Tunch)* (1978) 80 Cal App 3d 665, 670, 145 Cal Rptr 795; *People v. Herdan* (1974) 42 Cal App ed 200, 306, 116 Cal Rptr. 641.

In fact there is no requirement that the suspect testify to this belief if the evidence shows clearly that a reasonable person could have believed that custody had occurred. *People vs. Herdan* (1974) 42 Cal App 3d 300,307, 13, 116 Cal Rptr. 641.

A suspect who is arrested is unquestionably in custody, and MIRANDA warnings are mandatory. *People v. Manis* (1969) 268 Cal App 2d 653, 663-669, 74 Cal Rptr. 423.

On the other hand, a suspect who is merely subjected to an investigative detention is not in custody, and need not be given MIRANDA warnings. *In RE JAMES M.* (1977) 72 Cal App 3d 133, 137, 139 Cal Rptr. 902.

There are situations, bordering between formal arrest and investigative detention, in which a person must be considered to be in custody for purposes of the MIRANDA requirements *IN RE JAMES M.* (Supra)

FACTORS TO BE CONSIDERED

THE MOST IMPORTANT FACTORS TO BE CONSIDERED IN DETERMINING WHETHER CUSTODY HAD ATTACHED IN CIRCUMSTANCES SHORT OF ARREST ARE:

- (1) SITE OF INTERROGATION;
- (2) WHETHER THE INVESTIGATION HAD FOCUSED ON THE SUSPECT;
- (3) WHETHER THE OBJECTIVE INDICIA OF ARREST WERE PRESENT; AND
- (4) THE LENGTH AND FORM OF QUESTIONING.

People v. Blouin (1978) 80 Cal App 3d 269, 283, 145 Cal Rptr. 683. *People v. Herdan* (1974) 42 Cal App 3d 300, 306-307, 116 Cal Rptr 641.

SITE OF INTERROGATION

The site of the interrogation is an important factor to be considered in determining whether or not a suspect, not yet arrested, was in custody for purposes of MIRANDA warnings.

Generally speaking, on-the-scene, questioning which takes place on the street or near the location of a criminal incident is less likely to be viewed as custodial interrogation than questioning in a place controlled by the law enforcement officer, such as a police station.

In this regard, *People v. Hill* (1974) 12 Cal 3d 731, 767, 117 Cal Rptr. 393, 528 p. 2d 1, may be compared with *People v. Superior Court (Tunch)* (1978) 80 Cal App. 3d 665, 670, 145 Cal Rptr. 795.

In *People v. Hill*, a statement made to a law enforcement officer during the course of an on-the-scene pat-down was held admissible despite the lack of MIRANDA warnings, while in *People v. Superior Court (Tunch)* custodial interrogation was found when a police officer invited the registered owner of a hit-and-run vehicle into a police interview room after spotting him outside the station, and asked him questions about the location and condition of the vehicle.

INVESTIGATION FOCUSING ON SUSPECT

Under the Pre-Miranda rules of *Escobero v. Illinois* (1974) 378 U.S. 478, 484-486, 12 L. Ed. 977, 84 S. Ct. 1758 and *People v. Dorado* (1969) 70 Cal 2d 711, 721, 76 Cal Rptr 391, 452 P. 2d 607, 697 U.S. 944 (1970) a suspect was entitled to be warned of the right to counsel when the investigation reached the accusatory stage.

An important element of the accusatory stage was that the investigation was no longer a general inquiry into an unsolved crime, but had begun to "focus" on a particular suspect. *People v Morse* (1969) 70 Cal 2d 711, 722, 76 Cal Rptr. 391, 452 P. 2d 607, 397, U.S. 944 (1970).

Since Miranda, the courts have generally stated that the test is simply whether the suspect is in custody and not whether the investigation has focused on the person interrogated. *People v. Murphy* (1972) 8 Cal 3d 349, 362, 105 Cal Rptr. 138, 503 P. 2d 594, 414 U.S. 833. *IN RE JAMES M.* (1977) 72 Cal App 3d 133, 136, 139 Cal Rptr 902.

However, as one court noted, focus remains an element in deciding whether custody has taken place. *People v Herdan* (1974) 43 Cal App. 3d, 300, 307, 116 Cal Rptr. 641. Not surprisingly, some courts continue to discuss focus in determining whether MIRANDA warnings are required. *People v. Wolf* (1978) 78 Cal App 3d 735, 743, 144 Cal Rptr. 344.

OBJECTIVE INDICIA OF ARREST

The subjective intent of the interrogator to arrest the suspect is not in itself a sufficient basis upon which to

conclude that custody exists although such intent can be factor in persuading the court that custody existed or that a reasonable person could have believe [sic] he or she was in custody. *People v. Kelly* (1967) 66 Cal 2d 232, 246, 57 Cal Rptr. 363, 424 P. 2d 947. *People v. Herdan* (1974) 42 Cal App 3d 300, 306, 116 Cal Rptr. 641.

NATURE OF QUESTIONING

The duration and form of the questions posed by the interrogator are important factors in determining whether a given encounter between police and a suspect constituted custodial interrogation. The longer the period of questioning, the more likely it will be found to be coercive and custodial. Likewise, the more accusatorial the questioning, the more likely it will be deemed coercive. *People v. Herdan* (1974) 42 Cal App 3d 300, 307, 116 Cal Rptr. 641.

FRUITS OF POISONOUS TREE

WONG SUN v. UNITED STATES (1963) 371 U.S. 471, 488, 9L Ed 441, 83 S. Ct. 407, stand for the principal that extrajudicial statements procured as the result of an illegal arrest are inadmissible and must be suppressed if nothing occurs to attenuate or dissipate the taint of such illegalities. Based on this concept and legal principle the defense is arguing that if the Court finds that the statement made by the defendant should be suppressed than the information and evidence acquired as a result of this statement should be classified as "Fruits of the Posionous [sic] Tree" and additionally suppressed.

California Courts have held that incomplete MIRANDA warnings render the defendant's statements and their fruits inadmissible. *People v. Banks* (1970) 2 Cal 3d. 127, 133-135, 84 Cal Rptr 367, 465 P. 2d 263.

Sometimes an unlawful confession or admission will lead to a search that produces tangible evidence. In such a case the search and seizure is illegal, and the evidence it produces may be challenged under the statutory suppression mechanism provided in Penal Code Section 1538.5. In such a situation, the issue of the propriety of the statement itself must be determined as a part of the suppression motions. *People v. Superior Court (Zolnay)* (1975) 15 Cal 3d 729, 734-735, 125 Cal Rptr. 798, 542 P. 2d 1390, 429 U.S. 816.

DATED: April 30, 1984

Respectfully Submitted,

/S/

DAVID DAUGHERTY
ATTORNEY FOR DEFENDANT

/S/

Anthony R. Robusto
ANTHONY R. ROBUSTO
Attorney for Defendant

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNT OF LOS ANGELES
(Caption Omitted In Printing)
NO. A529247

OPPOSITION TO MIRANDA BASED 1538.5 MOTION

Defendant's Penal Code Section 1538.5 motion based on alleged violation of *Miranda v. Arizona*, 384 U.S. 436 (1966) is not properly taken, as the statement in question was not the result of a "custodial interrogation."

In the case at bar, the defendant, along with other ice cream truck operators were being contacted by investigators to determine what information, if any, they had concerning the kidnapping and murder of Robyn Jackson. Defendant was interviewed on September 29, 1982, one day after the crime at Pomona Police station by one set of investigators and at the same time, another ice cream truck driver, Yusuf Ngangania, was also being interviewed by different investigators. Police interest in ice cream drivers was prompted as no known witness to the abduction had yet been uncovered and there was vague information about the victim being seen with a black ice cream truck driver before her disappearance.

Only information known at the time of defendant's first interview connecting him to this crime was a traffic accident report taken some 30-45 minutes before the disappearance, placing defendant's ice cream truck some 3 to 4 blocks away from probable location of abduction point. Although police were aware of the driver of a turquoise sedan (American made) was seen dropping victim's body into a drainage ditch in Pasadena at approximately 1:30 a.m. on September 29, 1982, there was

no information connecting this defendant to that activity. Further, police had not attempted to find out anything about defendant's prior criminal record until well into this first interview.

The defendant was contacted at his residence in the City of Pomona on September 29, 1982 and asked to go to the Pomona Police station, some 4-5 blocks away from his residence to answer questions concerning his knowledge of the victim's disappearance. The defendant was not arrested, his parole status, a prior record, was not even known of at that time, nor was any threat made to the defendant concerning his freedom of movement. The defendant, in fact, voluntarily responded to the police station for the purpose of answering police questions. Should be noted that the defendant was living out of his ice cream truck and parked next to a trailer used by three other people, neither location could be called suitable for purposes of questioning possible witnesses.

Initial questioning of defendant without Miranda warnings dealt with his knowledge of activities in Baldwin Park at the time of victim's disappearance. Defendant voluntarily answered questions and freely told police general information of movement of his truck on the day in question [sic], observations of victim on day in question, information and description of other [sic] ice cream truck drivers he saw in the area and also defendant's own activity of borrowing a car later that same night. It was only after defendant described the car he borrowed at midnight on the day in question as a 2-door Chevelle, turquoise in color, did police even inquire as to defendant's prior criminal history.

Only after defendant related his lengthy history of sex crimes, borrowing of similarly described car as one used in dumping of body, together with defendant's known presence at and near time of abduction was defendant first viewed as a suspect in the crime. At this point, officers then ceased questioning, and after a short break, attempted to interview defendant as a possible suspect and gave defendant full Miranda warnings which defendant invoked and all questioning ceased by these officers.

NO REQUIREMENT FOR MIRANDA WARNING UNDER FEDERAL LAW

United States Supreme Court has rules that Miranda warnings need not be given to defendants questioned at police stations, even if prior to such questioning the individual was clearly a suspect in the crime. Specifically the court ruled in *Oregon v. Mathieson*, 429 U.S. 492, 495, 50 L.Ed.2d 714, 719 (1977) as follows:

" . . . police officers are not required to administer Miranda warnings to everyone whom they question. Nor is the requirement of warnings to be imposed simply because the questioning takes place in the stationhouse, or because the questioned person is one whom the police suspect. Miranda warnings are required only where there has been such a restriction on a person's freedom as to render him 'in custody.' It was that sort of coercive environment to which Miranda by its terms was made applicable, and to which it is limited."

The fact of *Mathieson*, supra, show a calculated interview of a potential suspect arranged to be conducted in

police environment. Specifically, in that case, police suspected that defendant of committing a burglary, and knowing he was on parole left word for the defendant to call them. After defendant called, the police asked him to come down to the station for interview, which was completed in a closed room, without Miranda warnings. Defendant was told that he was a suspect and although not going to be arrested, he was falsely told his fingerprints were found at burglary scene and that his cooperation could only help. Defendant then admitted crime and a subsequent fully Mirandized confession was typed. In our case, the defendant was not even a suspect when first talked to and all conversation was the result of defendant's voluntary presence.

EVEN UNDER DEFENDANT'S DEFINITION, HE WAS NOT SUBJECTED TO CUSTODIAL INTERROGATION

Defendant's motion, while citing only California cases despite the effect of Proposition 8, sets out four factors to be explained. The cases cited do not indicate how these factors are to be weighed or how the facts of this case apply. Although a matter for the trial court of [sic] determine, People believe it is clear that the "focus of suspicion" had not fallen upon the defendant prior to the interview and that the objection indicia was clear that defendant was not under arrest or in custody.

The types of questions clearly showed a pattern of seeking out information concerning movements of other possible people in the area as well as the victim's actions and were not accusatory in nature but simply asking a witness to relate what he knew of events in question. The

case of *In Re Danny G.*, 121 Cal.App.3d 44 (1981) dealt with a similar situation when police had even more suspicious evidence pointing to defendant but Miranda warnings were not required because as court stated:

"The police did no more than give the appellant the opportunity to explain away suspicious circumstances and, hopefully, to cooperate with them in their efforts to apprehend the true culprit."

In that case the court found the questioning was voluntarily entered into by defendant and was nonaccusatorial. Along the same lines, *Peo. v. Salinas*, 131 Cal.App.3d 925 (1983) involved a defendant who police indicated they suspected of child abuse but nevertheless, without Miranda warnings, asked defendant questions concerning injuries on the victim child and how they got there. Police later took defendant to hospital and additional questions about injuries were later asked by doctors there. Court held that even though the focus of suspicion had fallen on the defendant and even though defendant later taken to the hospital, that the question did not require Miranda warnings, that police had right to detain defendant and ask questions which were not accusatory in nature, but just giving defendant opportunity to explain injuries. Clearly, the questions before this court are of the same type, nonaccusatory, as defendant was not even a suspect.

The only factor which defendant seems to push is "site of interrogation." As noted previously the United States Supreme Court in *Mathieson*, supra, seemed to limit the importance of this factor, if there was voluntary compliance by the suspect or witness. In *Peo. v. Carter*, 117

Cal.App.3d 546 (1982), defendant had gone to police station to visit a prisoner when police detected possible crime, and asked defendant to step into office area for questioning which produced admissible statement without prior Miranda warning. Here, clearly, court indicated no custodial investigation despite defendant being asked questions in police station and after suspicion had fallen on her.

California Supreme Court in *Peo. v. Sam*, 71 Cal.2d 194 (1969) indicated a situation where defendant first interviewed at scene and later asked to come to police station for more questions that such procedure was not inherently coercive or necessarily a custodial interrogation. Specifically, while court ordered a re-trial, the test indicated was simply, whether or not the questioning was done without compulsion or restraint on defendant and without suspicion focusing specifically on the defendant.

In the case at bar, much like *Sam* and *Mathieson*, the defendant came to the police station voluntarily and in this case the condition and size of defendant's residence, certainly indicates the police station to be a much more feasible location to conduct any interview of any witness. Further, the methods and types of questions showed that there was no confrontations, threats, or accusations made of defendant during the initial questioning. Up until that time no Miranda warnings were required and only after police gained information from defendant's volunteered statements did the focus of suspicion fall on him and subsequent invocation [sic] of rights terminated the interview.

In conclusion, People are seeking to admit only the volunteered, apparently exculpatory, statement of defendant made to police prior to his becoming viewed as a suspect, at which time defendant was immediately advised of Miranda rights and invoked.

DATED this 25th day of June, 1984.

Respectfully submitted,
 ROBERT H. PHILIBOSIAN
 District Attorney
 By /s/ Richard Burns III
 RICHARD D. BURNS, III
 Deputy District Attorney

SUPREME COURT OF THE STATE OF CALIFORNIA
 THE PEOPLE OF THE STATE OF)
 CALIFORNIA,) SUPERIOR
 PLAINTIFF-RESPONDENT,) COURT CASE
 vs.) NO. A529247
 ROBERT EDWARD STANSBURY,)
 DEFENDANT-APPELLANT.)

APPEAL FROM THE SUPERIOR COURT OF
 LOS ANGELES COUNTY HONORABLE
 JAMES H. PIATT, JUDGE PRESIDING
 REPORTERS' TRANSCRIPT ON APPEAL

[2023] NOW, WE'RE ON THE MIRANDA ISSUE, IS THAT CORRECT?

MR. BURNS: YES, YOUR HONOR.

I WOULD INDICATE TO THE COURT THAT THE FIRST WITNESS THAT I INTENDED TO CALL, OFFICER LEE, I JUST PASSED IN THE HALLWAY ABOUT TEN MINUTES AGO.

HE INDICATED HE WAS HAVING SOME TROUBLE, APPARENTLY HIS AUTOMATIC ANTENNA ON HIS CAR WOULD NOT SHUT UP. I TOLD HIM TO BE IN COURT TEN MINUTES AGO.

MR. ROBUSTO: HE WAS OUTSIDE THREE MINUTES AGO.

MR. BURNS: IF I MAY HAVE A MOMENT TO SEE IF HE IS OUTSIDE.

JOSEPH LEE, +
A PEOPLE'S WITNESS, HAVING BEEN FIRST DULY
SWORN, TESTIFIES AS FOLLOWS:

THE CLERK: YOU DO SOLEMNLY SWEAR
THAT THE TESTIMONY YOU MAY GIVE IN THE
CAUSE NOW PENDING BEFORE THIS COURT SHALL
BE THE TRUTH, THE WHOLE TRUTH AND NOTHING
BUT THE TRUTH, SO HELP YOU GOD.

THE WITNESS: I DO.

THE CLERK: PLEASE TAKE THE WITNESS
STAND AND STATE YOUR NAME FOR THE RECORD
AND SPELL YOUR LAST NAME.

THE WITNESS: JOSEPH LEE, L-E-E.

THE CLERK: I'M SORRY. I DID NOT HEAR
YOUR NAME.

THE WITNESS: JOSEPH LEE.

THE CLERK: L-E-E?

MR. DAUGHERTY: YES, SIR.

[2024] THE COURT: MR. BURNS, BEFORE
YOU PROCEED WITH YOUR MOTION, COULD YOU
GIVE ME A BRIEF OUTLINE OF THE TYPE OF TESTI-
MONY OR THE SITUATION SURROUNDING THE TES-
TIMONY THAT IS THE SUBJECT OF THIS MOTION.

MR. BURNS: YES, YOUR HONOR. MY
UNDERSTANDING IS THE DEFENSE HAS LODGED A
MIRANDA -

THE COURT: I'M SORRY, IS THERE A
MOTION - MR. DAUGHERTY, IT IS YOUR MOTION.

MR. DAUGHERTY: WHAT I THINK WHAT
THE EVIDENCE WILL SHOW DURING THE CONDUCT
OF THIS MOTION IS VERY SIMPLY THAT ON SEPTEM-
BER 29TH, 1982, MR. STANSBURY WAS CONTACTED
BY POLICE OFFICERS REGARDING THIS CASE.

THAT AT THE POMONA POLICE DEPARTMENT A
RATHER EXTENSIVE INTERVIEW WAS CONDUCTED
WITH MR. STANSBURY.

NO ADVISEMENT OF RIGHTS; NO MIRANDA
WAIVERS UNTIL THE CONCLUSION OF A LENGTHY
CONVERSATION, AT WHICH TIME THE OFFICERS,
AFTER THE CONVERSATION, DID ADVISE MR. STAN-
SBURY OF HIS MIRANDA RIGHTS AND REFUSED TO
TALK ANY FURTHER.

OUR CONTENTION IS GOING TO BE THAT MIR-
ANDA RIGHTS SHOULD HAVE BEEN GIVEN TO HIM
PRIOR TO THE TAKING OF THE STATEMENT AT THE
POMONA POLICE STATION.

DEFENDANT STANSBURY: AT THIS TIME, YOUR
HONOR, I WOULD OBJECT TO THE CONTINUING OF
THIS PARTICULAR MOTION ON THE GROUNDS
THAT I HAVE SPECIFICALLY REQUESTED THE PRE-
SENCE OF SEVERAL WITNESSES.

I HAVE NOT BEEN INFORMED IF THOSE WIT-
NESSES HAVE BEEN OBTAINED, LOCATED OR ANY-
THING ELSE AT THIS TIME.

[2025] IT IS MY UNDERSTANDING THAT ONE OF
THEM HAS BEEN LOCATED AS RECENTLY AS YES-
TERDAY.

I BELIEVE THAT WOULD BE WILLIE MILLER, WHOM I BELIEVE IS A MEMBER OF THE SHERIFF'S DEPARTMENT.

I DID REQUEST THAT JOSEPH LEE, SERGEANT HIGGENBOTHAM, PATRICIA MULCAHY AND CATHY GRAY BE PRESENT DURING THE MIRANDA HEARING.

I BELIEVE THAT MR. BURNS SPECIFIED AT THAT TIME THAT PATRICIA MULCAHY WAS SOME TYPE OF A CADET OR SOMETHING; AT WHICH TIME I SPECIFIED THAT CADET OR OTHERWISE, SHE WAS THERE.

THEREFORE, HER TESTIMONY, I BELIEVE, WOULD BE RELEVANT IN THIS ISSUE.

MR. BURNS CLARIFIED THAT AT THAT TIME THAT IF WE WOULD GIVE HIM THE NAMES OF THE INDIVIDUALS INVOLVED, THAT HE WOULD ATTEMPT TO HAVE THOSE INDIVIDUALS HERE.

I NOTICE JOSEPH LEE IS HERE TODAY.

I DON'T KNOW IF SERGEANT HIGGENBOTHAM OR CATHY GRAY OR PATRICIA MULCAHY ARE HERE OR NOT.

I HAVE NOT BEEN ABLE TO FIND OUT THOSE PARTICULAR AREAS OF INVESTIGATION, WHETHER IT HAS BEEN DONE OR NOT.

THE COURT: WELL, DOES THE DEFENSE WISH TO PROCEED WITH THIS MOTION? WOULD YOU LIKE TO HAVE A CONFERENCE AT THIS TIME?

MR. DAUGHERTY: WELL -

(COUNSEL CONFER IN SOTTO VOCE.)

DEFENDANT STANSBURY: I JUST CLARIFIED MYSELF AS [2026] THE DEFENSE.

I AM OBJECTING TO THE MOTION BASED ON THE FACTS THAT TO MY KNOWLEDGE THESE WITNESSES ARE NOT AVAILABLE AT THIS MOMENT.

I'M ATTEMPTING, I GUESS YOU MIGHT SAY, TO OBTAIN INFORMATION WHETHER THEY ARE OR NOT.

I COULD SEE THE PRESENCE OF MR. LEE, BUT I DON'T SEE ANY OTHERS.

THE COURT: I DON'T CARE ONE WAY OR THE OTHER, IF YOU PROCEED WITH THE MOTION OR NOT.

IF YOU FEEL IT IS AN APPROPRIATE MOTION TO BRING, YOU MAY BRING IT.

MR. DAUGHERTY: WELL, WE ARE PREPARED TO GO FORWARD WITH THE MOTION AND - THE WITNESS I THINK I INDICATED AS RECENTLY AS YESTERDAY THE WITNESSES I FELT WERE NECESSARY FOR THE MOTION, ONE OF THEM BEING LEE, AND ONE OF THEM BEING SERGEANT JOHNSTON AND ALSO DETECTIVE BELL.

I BELIEVE ALL THREE OF THOSE PERSONS - AT LEAST THEY'VE BEEN IN THE COURTHOUSE TODAY BECAUSE I'VE SEEN THEM.

I'M PREPARED TO PROCEED WITH THE MOTION.

MR. STANSBURY, I THINK, HAD ASKED ME TO CONDUCT THE HEARING ITSELF, AND I'M PREPARED TO PROCEED NOW WITH OFFICER LEE.

I BELIEVE MR. STANSBURY HAS A COUPLE OF ADDITIONAL WITNESSES HE WISHED TO CALL AS PART OF THE DEFENSE PORTION OF THE MOTION.

THE COURT: IF THOSE WITNESSES ARE AVAILABLE, YOU [2027] MAY CERTAINLY CALL THEM.

MR. BURNS: YOUR HONOR, JUST TO CLARIFY FOR THE RECORD.

I BELIEVE I OFFERED TO BE OF ASSISTANCE FOR COUNSEL IN BRINGING CERTAIN WITNESSES HERE AND SPECIFY THAT I COULD ASSIST IN MAKING PHONE CALLS TO THOSE PEOPLE WHO I KNEW OF, AND SPECIFICALLY INDICATED THAT PATRICIA MULCAHY I HAD NO CONTACT WITH.

AND I BELIEVE THE COURT, AS THE COURT WILL RECALL, INDICATED TO THE DEFENSE THAT THEY WOULD HAVE TO ATTEMPT TO LOCATE THEM ON THEIR OWN.

FOR EDIFICATION OF THE PEOPLE HERE, JOSEPH LEE IS HERE. SERGEANT JOHNSTON, SITTING NEXT TO ME. AND DETECTIVE BELL IS OUT IN THE HALLWAY OR SOMEWHERE IN THIS BUILDING TODAY TO TESTIFY.

AND AS TO THE OTHER WITNESSES, THEY HAVE BEEN HERE ON VARIOUS DIFFERENT DAYS.

I'M PREPARED TO PROCEED.

I BELIEVE DEFENSE COUNSEL OR SOMEONE ON BEHALF OF MR. STANSBURY MADE A MIRANDA MOTION.

I AM PREPARED TO PUT ON MY PART OF THE MIRANDA MOTION.

CERTAINLY THE DEFENSE CAN CALL WHOEVER THEY WISH TO CALL IN RESPONSE.

THE COURT: ALL RIGHT. I'M GOING TO DIRECT THAT THE MIRANDA PROCEEDINGS START NOW.

THOSE OTHER WITNESSES, WHEN THEY ARE AVAILABLE, THEY MAY BE HERE. I DON'T KNOW.

[2028] WHEN THEY'RE AVAILABLE, YOU MAY CALL THEM, AND I WILL HEAR THEIR TESTIMONY.

MR. DAUGHERTY: I WOULD INDICATE, YOUR HONOR, MR. STANSBURY WOULD REQUEST IF MR. BURNS CAN DO SO, APPRECIATE IT IF WE COULD HAVE OFFICER HIGGENBOTHAM AND CATHY GRAY PRESENT TOMORROW, IF POSSIBLE.

DEFENDANT STANSBURY: AND WILLIE MILLER, YOUR HONOR.

MR. BURNS: I PREVIOUSLY INDICATED I DON'T KNOW WHO WILLIE MILLER IS. I DON'T KNOW WHERE SHE IS CONNECTED WITH THIS CASE.

MR. DAUGHERTY: WILLIE MILLER IS CURRENTLY ASSIGNED TO THE SAN DIMAS STATION AS A DEPUTY SHERIFF, I UNDERSTAND.

MR. BURNS: I'LL ATTEMPT TO MAKE A PHONE CALL TO SAN DIMAS TO REQUEST THAT OFFICER WILLIE MILLER BE HERE, BUT I HAVE NO IDEA WHO SHE IS OR WHAT HER CONNECTION IS.

THE COURT: IS WILLIE A HE OR A SHE?

MR. DAUGHERTY: SHE.

MR. BURNS: THAT'S THE BEST I CAN DO.

DEFENDANT STANSBURY: WOULD THERE BE SOME WAY THEN THAT WE COULD HAVE DISCOVERY HONORED TO OBTAIN THE ADDRESS OF CATHY GRAY SO THAT INVESTIGATORS CAN SERVE A - I MEAN PATRICIA MULCAHY TO SERVE A SUBPOENA ON HER.

MR. BURNS: I DON'T KNOW WHERE PATRICIA MULCAHY IS, AND THERE HAS BEEN NO OFFICIAL REQUEST FOR HER BEFORE.

THE COURT: ALL RIGHT. WHICH DEPARTMENT IS THAT WHERE SHE WAS A RIDE ALONG OR A STUDENT?

[2029] MR. BURNS: I BELIEVE SHE WAS A RESERVE WITH BALDWIN PARK POLICE DEPARTMENT BACK IN DECEMBER OF 1982.

WHETHER SHE WAS TERMINATED AND WHAT THE CIRCUMSTANCES THEREOF AND WHERE SHE CURRENTLY IS, I HAVE NO INFORMATION.

THE COURT: HAVE YOU ATTEMPTED TO HAVE YOUR INVESTIGATOR TO FIND HER?

MR. DAUGHERTY: I'M NOT CERTAIN IF HE HAS OR NOT, MR. BENART IS ATTEMPTING TO.

THE COURT: IF YOU WOULD MAKE AN INQUIRY BETWEEN NOW AND TOMORROW; ASK EACH DEPARTMENT TO NOTIFY US AS TO THE WHEREABOUTS OF THOSE INDIVIDUALS AND IF POSSIBLE HAVE THEM HERE TOMORROW.

MR. BURNS: I CAN ATTEMPT TO HAVE CATHY GRAY AND HIGGENBOTHAM.

I WILL CALL SAN DIMAS TO REQUEST FEMALE OFFICER WILLIE MILLER TO BE PRESENT AS WELL, ALTHOUGH I DON'T HAVE HER I.D. NUMBER. I DON'T KNOW WHETHER SHE'S ON DUTY OR WHAT HER SITUATION IS.

WITH REGARDS TO PATRICIA MULCAHY, I HAD REQUESTED OF MR. HIGGENBOTHAM TO LOCATE HER. I BELIEVE IT WAS SOMETIME LAST WEEK, THURSDAY OR FRIDAY AS A COURTESY.

ALTHOUGH I WAS NOT OBLIGATED TO, AND MR. HIGGENBOTHAM TOLD ME YESTERDAY HE COULD NOT FIND HER BASED ON HIS EFFORTS.

I DON'T KNOW WHAT HE'S DONE, SHE WAS NOT CONNECTED WITH THIS CASE AT ALL UP UNTIL NOW.

OTHER THAN THAT, I HAVE NO OTHER INFORMATION [2030] I CAN GIVE COUNSEL WITH REGARD TO HER LOCATION OR WHEREABOUTS.

THE COURT: ALL RIGHT, YOU MAY PROCEED.

DIRECT EXAMINATION +
BY MR. BURNS:

Q. MR. LEE, DIRECTING YOUR ATTENTION TO SEPTEMBER 29TH OF THE YEAR 1982. WHAT WAS YOUR OCCUPATION ON THAT DAY?

A. POLICE OFFICER FOR THE CITY OF BALDWIN PARK, ASSIGNED TO UNDERCOVER INVESTIGATIONS.

Q. ON THAT DATE DID YOU HAVE OCCASION TO RESPOND TO THE POMONA AREA TO ASSIST IN A THEN HOMICIDE INVESTIGATION?

A. YES, I DID.

Q. WERE YOU AN INVESTIGATING OFFICER ON THAT CASE?

A. NO.

Q. DO YOU KNOW WHO WAS IN CHARGE OF OR WHO WAS THE INVESTIGATING TEAM WHO WAS RUNNING THE CASE AT THAT TIME?

A. SERGEANT JOHNSTON FROM LOS ANGELES SHERIFF'S HOMICIDE.

Q. WERE YOU JUST THEN IN AN ASSISTING CAPACITY, FUNCTIONING AS ASSISTING CAPACITY AT THAT TIME?

A. YES.

Q. NOW AT THAT TIME, WERE YOU IN UNIFORM OR NOT IN UNIFORM?

[2031] A. I WAS IN CIVILIAN CLOTHES.

Q. AND WERE YOU DRIVING A CAR THAT YOU HAD YOURSELF?

A. YES.

Q. WHAT SORT OF CAR WAS IT?

A. IT WAS AN OLD BEAT UP DODGE CHARGER, I BELIEVE.

Q. WAS IT A MARKED POLICE VEHICLE?

A. NO, IT WASN'T.

Q. DID YOU HAVE ANY TYPE OF PARTNER WITH YOU ON THAT DATE?

A. YES.

Q. AND WHO WAS THAT?

A. PATRICIA MULCAHY.

Q. DO YOU KNOW WHAT PATRICIA MULCAHY'S CONNECTION WITH THE BALDWIN PARK POLICE DEPARTMENT WAS AT THAT TIME?

A. RESERVE POLICE OFFICER.

Q. DO YOU KNOW WHAT HER CONNECTION WITH THE BALDWIN PARK POLICE DEPARTMENT IS NOW?

A. SHE'S NO LONGER EMPLOYED.

Q. DO YOU KNOW WHEN IT WAS SHE SEPARATED EMPLOYMENT WITH THE BALDWIN PARK PARK [sic] POLICE DEPARTMENT?

A. THE EXACT DATE, NO.

Q. DO YOU KNOW WHERE SHE IS NOW?

A. NO, I DON'T.

Q. AT ANY RATE, OFFICER, AT SOMETIME ON THAT DATE WERE YOU REQUESTED TO CONTACT A MR. STANSBURY?

[2032] A. YES, I WAS.

Q. AND WHAT WERE YOUR INSTRUCTIONS WITH REGARDS TO MAKING THAT CONTACT?

A. WE WERE GIVEN AN ADDRESS BY SERGEANT JOHNSTON. IT WAS A TRAILER PARK ON MISSION, AND A BRIEF DESCRIPTION OF MR. STANSBURY. AND WE WERE DIRECTED TO RESPOND TO THE ADDRESS AND CONTACT MR. STANSBURY.

Q. ALL RIGHT. WERE YOU TO ASK MR. STANSBURY ANY QUESTIONS, OR WHAT WAS THE PURPOSE OF MAKING CONTACT WITH MR. STANSBURY?

A. THE PURPOSE WAS TO ASK MR. STANSBURY TO ACCOMPANY US TO THE POMONA POLICE DEPARTMENT AS A POSSIBLE WITNESS TO A HOMICIDE, AND THAT IS IT.

Q. WERE YOU AT ANY TIME INFORMED THAT HE WAS A SUSPECT IN THIS CASE?

A. NO.

Q. HAD YOU BEEN GIVEN ANY INFORMATION TO BELIEVE OR TO INFER THAT HE MIGHT BE A SUSPECT IN THIS CASE?

A. NO.

Q. WERE YOU TOLD AT ANY TIME TO ARREST HIM IF HE REFUSED TO GO WITH YOU?

A. NO.

Q. NOW, AT THE TIME THAT YOU WERE DIRECTED TO GO TO THIS LOCATION, HAD YOU BEEN TO SOMEWHERE ELSE IN POMONA WITH THE HOMICIDE OFFICERS?

A. YES.

[2033] Q. AND HAD THEY CONTACTED ANOTHER ICE CREAM TRUCK DRIVER AT THAT LOCATION?

A. YES.

Q. DO YOU RECALL WHAT HIS NAME WAS?

A. NO, I DON'T. WE WERE THE ONES THAT FOUND HIM.

Q. LET ME ASK YOU, WHO WAS AT THAT OTHER LOCATION, THAT FIRST LOCATION IN POMONA?

A. IT WAS MYSELF, RESERVE OFFICER MULCAHY, RESERVE OFFICER CATHY GRAY AND SERGEANT HIGGENBOTHAM

Q. AND?

A. AND THE HOMICIDE INVESTIGATORS.

Q. AND WAS DARLENE BELL FROM YOUR DEPARTMENT?

A. DETECTIVE BELL WAS THERE ALSO.

Q. YOU MENTIONED RESERVE OFFICER GRAY AND DANNY HIGGENBOTHAM, WERE THEY IN A SEPARATE UNIT?

A. YES, THEY WERE.

Q. AND THE UNIT WITH THE SHERIFF'S HOMICIDE OFFICERS AND DARLENE BELL, WAS THAT THE THIRD UNIT?

A. YES.

Q. ORIGINALLY AT SOME POINT IN POMONA YOU CONTACTED ANOTHER ICE CREAM DRIVER, AND THERE WERE THREE UNITS AT THAT POINT IN CONTACT. IS THAT RIGHT?

A. YES.

Q. NOW HOW MANY UNITS WENT OVER TO WHERE MR. STANSBURY WAS?

A. TWO.

[2034] Q. WHICH TWO UNITS WERE THOSE?

A. MYSELF AND MY PARTNER AND SERGEANT HIGGENBOTHAM AND HIS PARTNER.

Q. WHO WAS?

A. OFFICER GRAY AND MULCAHY.

Q. NOW, WHAT HAPPENED, IF YOU KNOW, TO THE SHERIFF'S OFFICERS AND DETECTIVE BELL?

A. I BELIEVE THEY RETURNED TO THE POMONA POLICE DEPARTMENT.

Q. DID THEY HAVE THIS OTHER PERSON WITH THEM THAT WAS FIRST CONTACTED.

A. I BELIEVE SO, YES.

[2035] Q. NOW, WHEN YOU WENT TO PICK UP MR. STANSBURY, HAD YOU BEEN INFORMED OF ANY CRIMINAL RECORD OR BACKGROUND OF HIS?

A. NO.

Q. HAD NO INFORMATION CONCERNING THAT?

A. NONE.

Q. WHEN YOU WENT TO THAT LOCATION, WHO MADE CONTACT WITH THE PEOPLE THERE?

A. I DID.

Q. HOW WAS THAT ACCOMPLISHED?

A. I KNOCKED ON THE TRAILER DOOR WHICH FACES SOUTH.

Q. WAS ANYONE ELSE WITH YOU AT THE FRONT DOOR?

A. SERGEANT HIGGENBOTHAM WAS STANDING TO THE REAR AND I BELIEVE MULCAHY OR IT MIGHT HAVE BEEN GRAY.

Q. WHEN YOU KNOCKED AT THE DOOR, DID SOMEONE RESPOND?

A. YES.

Q. AND WHO RESPONDED?

A. MR. STANSBURY.

Q. AND WHAT DID YOU SAY TO HIM?

A. I IDENTIFIED MYSELF BY SHOWING HIM MY BADGE AND ID AND TOLD HIM MY PURPOSE THERE -

Q. TELL US.

A. - WAS TO CONTACT MR. STANSBURY, OF WHICH I HAD A BRIEF DESCRIPTION OF HIM. THAT BEING A MALE WHITE OVER SIX FEET TALL, RED HAIR AND A FULL BEARD, AND I ASKED HIM FOR [2036] IDENTIFICATION.

Q. WHEN YOU FIRST TALKED TO HIM, DID YOU INDICATE WHAT IT WAS YOU WERE TRYING TO TALK TO HIM ABOUT OR TELL - YOU KNOW TELL US -

A. I ASKED HIM WHAT HIS NAME WAS AND HE TOLD ME.

Q. OKAY.

A. AND I TOLD HIM WHY I WAS THERE, I TOLD HIM I WAS THERE IN REFERENCE TO A HOMICIDE INVESTIGATION, THAT HE WAS A POSSIBLE WITNESS, AND THAT THE HOMICIDE DETECTIVES WERE AT THE POMONA POLICE DEPARTMENT, AND IF HE WOULD ACCOMPANY ME TO THE POMONA POLICE DEPARTMENT.

Q. ALL RIGHT.

A. I ALSO ASKED HIM IF HE HAD TRANSPORTATION OR WE WOULD PROVIDE TRANSPORTATION.

Q. DID YOU OFFER HIM - I TAKE IT THEN YOU OFFERED HIM THE CHANCE TO DRIVE DOWN HIMSELF. IS THAT RIGHT?

A. YES.

Q. AND IF HE INDICATED THAT HE WAS PREPARED TO DRIVE DOWN HIMSELF, WOULD YOU HAVE LET HIM DO THAT?

A. YES.

Q. WHAT DID HE INDICATE TO YOU CONCERNING THIS REQUEST TO TALK TO THE OFFICERS?

A. HE AGREED. HE SAYS - I DON'T REALLY REMEMBER WHAT HE SAID. BUT HE HAD NO OBJECTION. AND HE TOLD ME THAT HE DID NOT HAVE TRANSPORTATION TO THE POLICE DEPARTMENT.

Q. YOU DON'T REMEMBER THE EXACT WORDS, BUT [2037] BASICALLY HE INDICATED HE AGREED WITH THAT AND MADE A COMMENT TO YOU THAT HE DIDN'T HAVE ANY TRANSPORTATION?

A. YES.

Q. AT THAT TIME, DID YOU OFFER HIM A RIDE WITH THE CARS THAT YOU HAD?

A. YES.

Q. ALL RIGHT. DID YOU IN FACT TRANSPORT HIM IN ONE OF THE TWO UNITS?

A. IN MINE.

Q. IN YOUR CAR?

- A. YES.
- Q. AND WHO DROVE THE CAR?
- A. I DID.
- Q. AND WHERE WAS MR. STANSBURY SEATED WHEN HE WAS TAKEN IN?
- A. IN THE FRONT PASSENGER SEAT.
- Q. HE WAS NOT PUT IN THE BACK SEAT?
- A. NO.
- Q. IN THE FRONT PASSENGER SEAT?
- A. YES.
- Q. WAS THERE ANYONE ELSE IN THE CAR?
- A. RESERVE OFFICER MULCAHY.
- Q. WHERE DID SHE SIT?
- A. IN THE BACK.
- Q. NOW, AT ANYTIME, DID MR. STANSBURY INDICATE THAT HE DIDN'T WISH TO COME DOWN TO THE POLICE STATION?
- A. NO.
- [2038] Q. DID HE EVER INDICATE AT SOME POINT IN TIME HE WANTED TO WAIT AND PERHAPS TALK TO THE OFFICERS IN THE MORNING OR SOME LATER TIME.
- A. NO.
- Q. APPROXIMATELY HOW FAR WAS IT FROM HIS - THIS RESIDENCE TO THE POLICE POLICE STATION?

- A. I WOULD ESTIMATE ABOUT A QUARTER OF A MILE.
- Q. AND DURING THE TIME THAT YOU WERE DRIVING TO THE POLICE STATION, DID YOU TALK TO MR. STANSBURY?
- A. YES.
- Q. WHAT DID YOU TALK ABOUT?
- A. I ASKED HIM WHERE HE WORKED.
- Q. WHAT DID HE SAY?
- A. HE SAID HE DROVE AN ICE CREAM TRUCK AND I ASKED HIM WHERE ABOUT AND HE SAID IN THE AREA OF BALDWIN PARK.
- Q. DID HE MAKE ANY OTHER STATEMENTS TO YOU?
- A. NO.
- Q. DID YOU ASK HIM ANY OTHER QUESTIONS?
- A. NO.
- Q. DID YOU ASK HIM ANYTHING CONCERNING THE ALLEGED CRIME OR THE CHARGES IN THIS CASE?
- A. NO.
- Q. DID YOU ASK HIM ANYTHING CONCERNING HIS CONNECTION IN THAT REGARD?
- A. NO.
- Q. WHEN YOU GOT TO THE BALDWIN PARK POLICE STATION - STRIKE THAT. [2039] WHEN YOU

GOT TO THE POMORA POLICE STATION WHERE DID YOU TAKE HIM?

A. IN THE SALLY PORT AREA.

Q. WHERE DID HE GO FROM THERE?

A. WE WENT INTO THE SALLY PORT THROUGH A HALLWAY AND INTO AN INTERVIEW ROOM.

Q. WAS THIS AN INTERVIEW ROOM BARRED OR ANYTHING OF THAT NATURE?

A. NO.

Q. WAS IT A CELL?

A. NO.

Q. WAS HE PHOTOGRAPHED OR FINGER-PRINTED OR ANYTHING OF THAT NATURE BY THE POMONA POLICE DEPARTMENT?

A. NO.

Q. NO BOOKING PROCEDURE STARTED, ANYTHING LIKE THAT?

A. NO.

Q. WHAT HAPPENED WHEN HE WAS TAKEN INTO THIS ROOM?

A. I WENT UPSTAIRS AND CONTACTED SERGEANT JOHNSTON AND TOLD HIM MR. STANSBURY WAS DOWNSTAIRS.

Q. WERE YOU AT ANYTIME PRESENT DURING ANY QUESTIONING BY ANY OFFICERS OF MR. STANSBURY CONCERNING THIS CASE?

A. NO.

Q. NOW, WHEN YOU WENT TO PICK UP MR. STANSBURY, YOU INDICATED THAT THERE WERE SHERIFF HOMICIDE OFFICERS WHO WERE IN CHARGE OF THE INVESTIGATIONS PRESENT WITH YOU [2040] IN ANOTHER LOCATION. IS THAT RIGHT?

A. YES.

Q. AND THEY WENT TO THE POMONA POLICE STATION WITH A DIFFERENT CIVILIAN AND THEN ASKED YOU TO GO CONTACT MR. STANSBURY. IS THAT RIGHT?

A. YES.

Q. NONE OF THEM WENT WITH YOU TO CONTACT MR. STANSBURY?

A. NO.

Q. NONE OF YOU WERE AT THE LOCATION WHEN YOU MADE CONTACT WITH MR. STANSBURY?

A. NONE OF HOMICIDE WAS, NO.

Q. AT NO TIME WERE YOU GIVEN ANYTHING, ANY REASON TO SUSPECT THAT THIS WAS A SUSPECT OR THAT IF THIS PERSON REFUSED TO GO WITH YOU YOU SHOULD ARREST HIM OR RESTRAIN HIM IN ANY WAY?

MR. DAUGHERTY: OBJECTION, LEADING THE WITNESS.

THE COURT: SUSTAINED.

BY MR. BURNS:

Q. WERE YOU GIVEN ANY INSTRUCTIONS TO RESTRAIN MR. STANSBURY AT ALL SHOULD HE REFUSE TO GO WITH YOU?

A. NO.

Q. WOULD YOU HAVE RESTRAINED MR. STANSBURY IF HE INDICATED HE DIDN'T WISH TO GO WITH YOU?

MR. DAUGHERTY: OBJECTION. IMMATERIAL.

MR. BURNS: I'LL WITHDRAW THE QUESTION.

[2041] THE COURT: YOU MAY.

MR. BURNS: I HAVE NO FURTHER QUESTIONS.

THE COURT: MR. DAUGHERTY?

MR. DAUGHERTY: YES.

CROSS-EXAMINATION +

BY MR. DAUGHERTY:

Q. OFFICER LEE, THE DATE WAS SEPTEMBER 29, 1982 AND THIS WAS ABOUT LL [sic] O'CLOCK AT NIGHT WHEN YOU ACTUALLY WENT TO MR. STANSBURY'S RESIDENCE?

A. YES.

Q. WHEN WAS THE - IN REFERENCE TO THAT TIME, LL [sic] O'CLOCK THAT NIGHT, WHAT WAS

THE TIME WHEN YOU FIRST RECEIVED INFORMATION REGARDING THIS CASE?

A. MY UNIT JOINED THE CASE ABOUT I THINK IT WAS SIX OR SEVEN THAT NIGHT.

Q. IS THAT THE FIRST TIME THAT YOU HAD HEARD ANYTHING ABOUT IT?

A. I HEARD ABOUT THE CASE, BUT WE HAD NOT BE [sic] ASKED TO ASSIST.

Q. ALL RIGHT.

WHEN YOU SAY YOU HEARD ABOUT THE CASE, HAD YOU RECEIVED ANY INFORMATION FROM ANY OF THE PEOPLE WHO WERE WORKING ON THE CASE?

A. NO.

Q. HOW DID YOU GET INVOLVED AT SIX OR SEVEN AT NIGHT, WHAT HAPPENED TO GET YOU INVOLVED IN THIS CASE?

A. WE WERE AN UNDER COVER UNIT, AND WE DIDN'T [2042] LOOK LIKE POLICE OFFICERS. WE DIDN'T KNOW WHAT KIND OF AREA WE WERE GOING INTO AND DIDN'T REALLY KNOW WHAT HOMICIDE WANTED US TO DO.

WE WANTED TO TRY AND BLEND INTO THE AREA, PLUS ANY WAY WE COULD ASSIST. ONE OF OUR INVESTIGATORS WAS INVOLVED IN IT, THE PERSON ATTACHED TO OUR UNIT.

Q. AT SIX OR SEVEN WERE YOU ASKED TO DO SOMETHING SPECIFICALLY REGARDING HOMICIDE?

A. YES, TO GO TO THE POMONA AREA AND ASSIST HOMICIDE IN LOCATING WITNESSES.

Q. SO YOU WENT AND MET WITH DETECTIVE JOHNSTON?

A. NO, I DIDN'T.

Q. DID YOU MEET WITH SOMEBODY FROM SHERIFF HOMICIDE?

A. NO, I DIDN'T.

Q. OKAY.

HOW DID YOU RECEIVE INFORMATION OR DIRECTION AS TO WHAT TO DO IN THIS CASE?

A. FROM OUR TEAM LEADER SERGEANT HIGGENBOTHAM.

Q. HIGGENBOTHAM?

A. YES.

Q. SO YOU HAD ABSOLUTELY NO CONVERSATION WITH DETECTIVE JOHNSTON?

A. OTHER THAN GETTING HIM, NO. MR. STANSBURY WAS AT THE POMONA POLICE DEPARTMENT.

Q. NOW, YOU INDICATED THAT NO ONE HAD INFORMED YOU THAT MR. STANSBURY WAS A SUSPECT IN THIS CASE?

A. NO, NOT ME.

[2043] Q. YOU ALSO WENT TO 812 DUDLEY STREET IN POMONA TO TALK TO ANOTHER ICE CREAM TRUCK DRIVER?

A. YES. I BELIEVE THAT WAS THE ADDRESS.

Q. ABOUT WHAT TIME DID YOU GO TO THAT LOCATION?

A. I'M NOT SURE. IT WAS EARLIER THAN GOING TO MR. STANSBURY'S RESIDENCE.

Q. WAS THAT ALSO IN THE EVENING?

A. YES.

Q. WERE YOU GIVEN ANY INFORMATION FROM SHERIFF INVESTIGATORS REGARDING THAT CONTACT?

A. I WASN'T, NO, DIRECTLY.

Q. SO THE ONLY THING YOU HEARD WAS FROM SERGEANT HIGGENBOTHAM REGARDING THAT ALSO?

A. YES.

WE WERE TO LOCATE A WITNESS, ATTEMPT TO LOCATE.

Q. WAS THAT OTHER PERSON BY THE NAME OF YUSUF NYANGANIRA?

A. I'M NOT SURE ABOUT THE LAST NAME. I KNOW THE FIRST NAME WAS.

Q. YUSUF, Y-U-S-U-F.

AND YOU WERE TOLD THAT YOU WERE TO GO OUT AND CONTACT A WITNESS AT THAT LOCATION?

A. YES.

Q. AND DID YOU GO MAKE THAT CONTACT?

A. YES.

Q. AT 812 DUDLEY STREET, OR DUDLEY AVENUE?

A. IF THAT WAS THE ADDRESS, YES.

[2044] Q. WHO ELSE WAS THERE WHEN YOU ACTUALLY ARRIVED AT DUDLEY AVENUE?

A. MYSELF, RESERVE OFFICER MULCAHY, RESERVE OFFICER GRAY AND SERGEANT HIGGENBOTHAM.

Q. SERGEANT HIGGENBOTHAM IS ALSO FROM -

A. BALDWIN PARK.

Q. SO ALL THE OFFICERS WERE FROM BALDWIN PARK AT THAT LOCATION?

A. AFTER WE CONTACTED HIM?

Q. WHEN YOU ARRIVED AT THE LOCATION TO SEE YUSUF?

A. YES, THE FOUR OF US WERE THERE.

Q. DID SHERIFF INVESTIGATORS OR DEPUTIES ARRIVE AT THAT LOCATION

A. EVENTUALLY, YES.

Q. AT WHAT POINT IN TIME? WHAT WAS HAPPENING WHEN THEY ARRIVED?

A. I BELIEVE IT WAS BEFORE THE CONTACT WAS MADE.

Q. DID YOU WAIT BEFORE EVEN TALKING TO THE WITNESS THERE UNTIL SOMEBODY ARRIVED FROM THE SHERIFF'S DEPARTMENT?

A. I NEVER TALKED TO THEM AT ALL.

Q. DID YOU EVER GO IN THAT -

A. IN THE APARTMENT?

Q. IN THE APARTMENT AND TALK TO YUSUF?

A. I WENT IN, I DIDN'T TALK TO HIM, I DON'T BELIEVE.

Q. PARDON ME?

[2045] A. I DON'T BELIEVE I TALKED TO HIM AT ALL.

Q. AND THIS YUSUF, HE WASN'T A SUSPECT EITHER?

A. NO, NOT THAT I KNOW OF. HE WAS A WITNESS.

Q. PARDON ME?

A. HE WAS A WITNESS AS EXPLAINED TO US.

Q. THE SAME AS MR. STANSBURY?

A. YES.

Q. WHAT HAPPENED WHEN YOU APPROACHED THAT YUSUF'S APARTMENT?

A. I'M NOT REALLY SURE. I THINK WE KNOCKED AND DID NOT GET A RESPONSE. I'M NOT REALLY SURE WHAT HAPPENED.

Q. WELL, AT SOME POINT IN TIME, SOMEBODY OPENED THE DOOR?

A. YES.

Q. IS THAT A WOMAN?

A. I'M NOT SURE, I DON'T REMEMBER.

Q. DO YOU HAVE ANY MEMORY AT ALL OF THAT, THE INCIDENTS THAT OCCURRED THERE?

A. I BELIEVE HE WAS HIDING UNDER A BED.

Q. WERE YOU AT THE FRONT DOOR WHEN THIS WOMAN ANSWERED IT, RESPONDED TO THE DOOR?

A. I COULD HAVE BEEN.

Q. DIDN'T THAT PERSON INDICATE THAT SHE WAS YUSUF'S GIRLFRIEND?

A. I DON'T REMEMBER.

Q. DID THAT PERSON INDICATE THAT - WELL, DIDN'T THAT WOMAN INDICATE TO THE OFFICERS WHO WERE THERE THAT [2046] YUSUF WAS NOT PRESENT IN THE APARTMENT? WAS NOT THERE?

A. COULD HAVE, I'M NOT SURE.

Q. YOU DON'T RECALL THE INCIDENT?

A. NO.

I THINK I DO REMEMBER THAT HE WAS HIDING UNDER A BED OR BEHIND A BED.

Q. HOW DID YOU FIND THAT OUT?

A. BY SEARCHING THE APARTMENT.

Q. DID - HOW DID YOU GO ABOUT ENTERING THAT APARTMENT? HOW DID YOU KNOW HE WAS THERE HIDING ~~UNDER~~ THE BED?

A. I DON'T KNOW.

Q. IF THE LADY SAID THAT HE WASN'T THERE, WHY DID ANYBODY ENTER THAT APARTMENT?

MR. BURNS: OBJECTION, YOUR HONOR. SPECULATION, BEYOND THE SCOPE OF THIS WITNESS' KNOWLEDGE. HE'S INDICATED HE DOES NOT KNOW.

MR. DAUGHERTY: DOES NOT KNOW WHAT?

THE COURT: SUSTAINED.

BY MR. DAUGHERTY:

Q. DID YOU PHYSICALLY ENTER INTO THAT APARTMENT?

A. I BELIEVE I DID, YES.

Q. WERE YOU PRESENT FOR THE CONVERSATION THAT TOOK PLACE AT THE FRONT DOOR BEFORE ENTERING?

A. I MIGHT HAVE BEEN, BUT I DON'T REMEMBER THE CONVERSATION.

Q. DO YOU REMEMBER ANY OF THE CIRCUMSTANCES SURROUNDING THE ENTRY OF THAT LOCATION?

[2047] A. NO, I DON'T.

Q. YOU SAID THAT YOU FOUND THIS ICE CREAM TRUCK DRIVER HIDING UNDER A BED?

A. I DIDN'T SAY I FOUND HIM. I SAID I BELIEVE HE WAS.

Q. DID YOU EVER SEE HIM DOING THAT?

A. I THINK I ENTERED THE ROOM WHEN HE WAS LOCATED.

Q. DID YOU SEARCH THE APARTMENT THERE?

A. DID I?

Q. DID YOU OR ANY OTHER OFFICERS IN YOUR PRESENCE?

A. AS FAR AS LOOKING FOR THE SUSPECT OR WITNESS?

Q. YES.

DID YOU SEARCH LOOKING FOR HIM?

A. I BELIEVE WE LOOKED PHYSICALLY IN EACH ROOM.

Q. AND YOU FOUND THAT PERSON?

A. SOMEONE FOUND HIM.

Q. AND THIS WAS AFTER SHERIFF HOMICIDE INVESTIGATORS ARRIVED AT THE LOCATION?

A. I BELIEVE SO.

Q. DO YOU RECALL HOW MANY?

A. I BELIEVE THERE WAS - I DON'T RECALL. I JUST REMEMBER SERGEANT JOHNSTON.

Q. AND THEN THIS YUSUF WAS TRANSPORTED TO THE POMONA POLICE DEPARTMENT ALSO?

A. YES.

Q. AT THAT POINT IN TIME THEN YOU WERE DIRECTED [2048] TO GO TO THIS LOCATION WHERE YOU EVENTUALLY FOUND MR. STANSBURY?

A. RIGHT.

Q. WERE YOU GIVEN ANY INSTRUCTIONS AT THAT TIME BY ANY OTHER INVESTIGATORS?

A. NO.

Q. YOU WERE GIVEN A DESCRIPTION OF HIM. IS THAT RIGHT?

A. A BRIEF DESCRIPTION.

Q. WERE YOU GIVEN ANY INFORMATION REGARDING THE CRIME THAT HAD BEEN COMMITTED?

A. REGARDING THE CRIME THAT HAD BEEN COMMITTED?

Q. YES?

A. I KNEW THE CRIME THAT HAD BEEN COMMITTED.

Q. DID YOU KNOW THE DETAILS OF THAT CRIME?

A. NO, I DIDN'T.

Q. NOW, DID TWO SEPARATE POLICE UNITS LEAVE FROM YUSUF'S RESIDENCE OR APARTMENT AND GO OVER TO MR. STANSBURY'S LOCATION?

A. YES.

Q. THERE WERE FOUR OFFICERS INVOLVED?

A. YES.

Q. WERE YOU SPECIFICALLY INSTRUCTED TO HAVE TWO SEPARATE UNITS AND FOUR OFFICERS GO OVER THERE?

A. NO.

Q. DID YOU MAKE THE DECISION TO HAVE THE TWO UNITS GO OVER THERE?

A. I WASN'T IN CHARGE OF THE TEAM.

[2049] Q. WERE YOU ARMED AT THE TIME?

A. YES.

Q. WERE THE OTHER - TO YOUR KNOWLEDGE WERE THE OTHER THREE OFFICERS ALSO ARMED?

A. YES, THEY WERE.

Q. WHEN YOU ARRIVED AT THE TRAILER WHERE MR. STANSBURY WAS, YOU INDICATED THAT YOU APPROACHED THE FRONT DOOR AND KNOCKED ON IT?

A. YES, I DID.

Q. WHERE WERE THE OTHER THREE OFFICERS AT THAT TIME AT THE KNOCK?

A. I BELIEVE ONE WAS STATIONED BEHIND ME AND THE OFFICER TWO WERE AT THE END OF THE TRAILER.

Q. COULD YOU PERHAPS ON THAT DIAGRAM - THERE'S A PIECE OF PAPER ON THE BOARD THERE.

COULD YOU SHOW US WHERE THE TRAILER WAS LOCATED AND WHERE EACH OF THE FOUR OF YOU WAS LOCATED AT THE TIME YOU KNOCKED ON THE DOOR WHEN YOU WERE ON THE FRONT PORCH?

A. I CAN SHOW YOU WHERE I THINK THE OFFICERS WERE.

Q. THAT'S FINE.

A. I'M NOT SURE WHO WAS WHERE.

Q. YOUR BEST RECOLLECTION OF THE LOCATION OF THE OFFICERS AT THE TIME WHEN YOU WERE AT THE FRONT PORCH KNOCKING ON THE FRONT DOOR.

(WITNESS DRAWS DIAGRAM).

A. THE DOOR WAS HERE, I WAS THERE. I BELIEVE [2050] ONE OFFICER WAS HERE AND ONE WAS HERE AND ONE WAS BEHIND ME, I THINK THAT'S HOW IT WAS.

Q. WHERE WERE THE TWO POLICE UNITS, AUTOMOBILES?

A. PARKED IN - THE DRIVEWAY COMES LIKE THIS. AND WE WERE PARKED RIGHT HERE.

Q. AND YOU, I BELIEVE, HAVE DRAWN A LARGE RECTANGULAR -

A. THAT WAS TO RESEMBLE THE TRAILER.

Q. YOU'VE ALSO MADE FOUR ROUND CIRCLES IN - AROUND THE TRAILER, THOSE ARE INTENDED TO BE THE FOUR OFFICERS?

A. YES.

Q. ONE OF THE CIRCLES HAS AN "X" IN THE MIDDLE OF IT AND THAT WOULD DEPICT YOU?

A. YES.

Q. OKAY.

YOU CAN BE SEATED.

DO YOU RECALL AT ALL THE OTHER THREE PERSONS WHERE THEY WERE LOCATED? WHICH WAS LOCATED IN WHICH LOCATION?

A. NO, I DON'T.

Q. WAS SERGEANT HIGGENBOTHAM, THE ONE WHO WAS IN CHARGE OF THIS SITUATION?

A. YES.

Q. DO YOU REMEMBER WHERE HE WAS?

A. NO, I DON'T.

Q. YOU'RE THE ONE WHO WENT UP TO THE FRONT DOOR TO CONTACT MR. STANSBURY?

[2051] A. YES.

Q. WERE YOU GIVEN ANY INSTRUCTIONS AS TO WHAT TO SAY TO MR. STANSBURY OR WHAT TO DO?

A. I WAS TOLD - WELL, THE INSTRUCTION WAS TO ASK HIM IF HE WOULD ACCOMPANY ME TO THE POMONA POLICE DEPARTMENT.

Q. WERE THOSE FROM SERGEANT HIGGENBOTHAM?

A. YES.

Q. WAS THERE ANY SPECIAL REASON WHY THE FOUR OFFICERS WERE ALL LAID OUT THE WAY THEY ARE THERE WITH TWO TO EACH SIDE OF THE TRAILER AND ONE BEHIND YOU?

A. THE ONLY REASON IS THAT WE HAD NOT - WE HAVE NEVER BEEN IN THAT AREA BEFORE. WE DID NOT KNOW WHAT KIND OF AREA IT WAS OR WHAT WE WERE GOING TO MEET AT THE FRONT DOOR.

Q. ANYONE HAVE THEIR FIREARMS DRAWN AT ANY POINT IN TIME?

A. I BELIEVE THEY ALL DID.

Q. ALL RIGHT.

THEN MR. STANSBURY ANSWERED THE FRONT DOOR OF THE TRAILER?

A. YES.

Q. AND YOU HAD A CONVERSATION.

DID ANY OF THESE PERSONS DO ANYTHING OTHER THAN REMAIN IN THE LOCATION WHERE THEY WERE, THE OTHER OFFICERS?

A. NOT THAT I BELIEVE.

Q. DID YOU ALSO HAVE YOUR FIREARM DRAWN TOO?

[2052] A. YES.

Q. NOW, DID YOU SAY TO MR. STANSBURY WHEN YOU FIRST APPROACHED HIM OR FIRST HAD A CONVERSATION AT THE DOOR?

A. I IDENTIFIED MYSELF AND ASKED HIM WHAT HIS NAME WAS.

Q. AND HE TOLD YOU WHAT HIS NAME WAS?

A. YES.

Q. THEN WHAT DID YOU SAY TO HIM ABOUT GOING TO THE POLICE STATION OR ABOUT A HOMICIDE INVESTIGATION?

A. I TOLD HIM I WAS THERE TO CONTACT A MR. STANSBURY IN REGARDS TO A HOMICIDE THAT HE WAS A POSSIBLE WITNESS TO.

Q. AND THEN DID YOU - HOW DID YOU ASK HIM TO COME TO THE STATION?

A. I ASKED HIM IF HE WOULD ACCOMPANY ME TO THE POMONA POLICE DEPARTMENT, AND IF HE DIDN'T HAVE TRANSPORTATION, I WOULD PROVIDE IT FOR HIM.

Q. AND THEN WHAT DID HE RESPOND TO THAT?

A. HE WAS VERY COOPERATIVE, HE SAID HE DIDN'T HAVE TRANSPORTATION.

Q. AND THEN YOU INDICATED YOU WOULD DRIVE HIM DOWN IN YOUR UNIT?

A. YES.

Q. AT ANY POINT IN TIME, WAS THERE A POINT IN TIME WHEN YOU OR THE OTHER OFFICERS HOLSTERED YOUR FIREARMS?

A. YES, I DID. I BELIEVE THE OTHER OFFICERS [2053] DID, TOO. MR. STANSBURY WAS VERY COOPERATIVE.

Q. WHEN DID THAT TAKE PLACE?

A. WHEN HE WAS OUTSIDE THE TRAILER.

Q. DID HE IMMEDIATELY COME OUTSIDE THE TRAILER WHEN YOU WERE FIRST TALKING TO HIM OR DID HE GO BACK INSIDE AND CHANGE OR DO ANY PERSONAL THINGS AT ALL, IF YOU RECALL?

A. I DON'T RECALL.

Q. SO THEN YOU GOT IN THE CAR WITH HIM, THE UNIT WITH HIM.

DID THE OTHER UNIT FOLLOW YOU, THE OTHER POLICE UNIT?

A. YES.

Q. WHEN YOU WERE COMING BACK, YOU INDICATED THAT YOU HAD A BRIEF - IT WAS ONLY A QUARTER OF A MILE OR SO BUT A BRIEF CONVERSATION WITH MR. STANSBURY?

- A. YES.
- Q. AND YOU WERE SEATED IN THE -
- A. DRIVER'S SEAT.
- Q. AND HE WAS SEATED IN THE RIGHT FRONT SEAT?
- A. YES.
- Q. AND YOU ASKED HIM WHAT HIS OCCUPATION WAS?
- A. YES, WHAT DID HE DO FOR A LIVING.
- Q. AND WAS THERE ANY REASON FOR THAT PARTICULARLY?
- A. NO.
- Q. JUST MAKING POLITE CONVERSATION?
- A. YES.
- [2054] Q. DID HE INDICATE TO YOU THAT HE WAS AN ICE CREAM TRUCK DRIVER?
- A. YES.
- Q. AND DID YOU THEN ASK HIM WHERE HE WORKED?
- A. YES.
- Q. WHAT WAS THE PURPOSE IN ASKING HIM THAT?
- A. CONVERSATION.
- Q. AT THAT POINT IN TIME, WERE YOU AT ALL CONCERNED WITH GETTING INFORMATION AS TO

- WHETHER HE WAS DRIVING AN ICE CREAM TRUCK IN BALDWIN PARK?
- A. NO.
- Q. AT THAT POINT THE TIME, DURING THAT RIDE BACK TO POMONA POLICE STATION, WAS THERE ANY POINT IN TIME WHEN YOU WANTED TO GET ANY INFORMATION FROM HIM TO SEE IF HE MIGHT BE A SUSPECT IN THIS CASE?
- A. NO.
- Q. DID YOU ASK MR. STANSBURY WHEN WAS THE LAST TIME YOU WORKED IN BALDWIN PARK?
- A. I MIGHT HAVE. I'M NOT SURE WHAT THE CONVERSATION WAS, I KNOW I ASKED HIM WHAT HE DID AND WHERE HE WORKED, IT'S A POSSIBILITY I DID ASK HIM WHEN WAS THE LAST TIME HE WAS IN BALDWIN PARK.
- Q. DO YOU REMEMBER ASKING HIM ANYTHING ABOUT THAT AT ALL?
- A. NO, I DON'T.
- Q. DID YOU EVER PREPARE A POLICE REPORT?
- A. I BELIEVE I DID.
- Q. WOULD IT REFRESH YOUR MEMORY TO SEE THAT [2055] POLICE REPORT?
- A. SURE.
- Q. HAVE YOU HAD ANY CHANCE TO REVIEW THAT AT ALL TODAY OR IN THE LAST FEW DAYS?

A. BRIEFLY, TWO WEEKS AGO.

MR. DAUGHERTY: MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: YES, YOU MAY.

BY MR. DAUGHERTY:

Q. OFFICER, SHOWING YOU WHAT APPEARS TO BE A ONE-PAGE DOCUMENT, BALDWIN PARK POLICE DEPARTMENT POLICE REPORT, WITH THE NUMBER 26 IN THE UPPER RIGHT-HAND CORNER, DO YOU RECOGNIZE THAT DOCUMENT AS BEING A POLICE REPORT YOU PREPARED?

A. YES.

Q. IF YOU'D LIKE TO READ THAT TO REFRESH YOUR MEMORY AT ALL -

DEFENDANT STANSBURY: YOUR HONOR, WHILE THE WITNESS IS READING THAT PARTICULAR REPORT, I WOULD LIKE TO SPECIFY THAT I DID NOT HEAR THE WITNESS' ANSWER IN RELATION TO THE QUESTION IF HE HAD HAD AN OPPORTUNITY TO REVIEW THAT PARTICULAR REPORT PRIOR TO TESTIFYING.

THE COURT: YOU WANT TO READ THAT ANSWER BACK.

(THE RECORD WAS READ BY THE REPORTER.)

DEFENDANT STANSBURY: THANK YOU.

BY MR. DAUGHERTY:

Q. DID YOU IN FACT ASK MR. STANSBURY WHEN HE WAS LAST WORKING IN BALDWIN PARK?

[2056] A. ACCORDING TO THAT REPORT, I DID.

Q. IF YOU RECALL, WHAT WAS THE PURPOSE IN ASKING HIM THAT SPECIFIC QUESTION?

A. CONVERSATION.

Q. AND YOU TOOK HIM TO THE POMONA POLICE DEPARTMENT, HAD YOU TAKEN PERSONS THERE FOR INTERVIEWS BEFORE?

A. NO, THAT WAS MY FIRST TIME.

MR. BURNS: YOUR HONOR, MAY I INTERRUPT THIS JUST FOR ONE MOMENT? I HAVE A SHORT CONFERENCE THAT I NEED.

THE COURT: YES.

MR. BURNS: NOT WITH THIS WITNESS.

(THEREUPON, A DISCUSSION WAS HELD OFF THE RECORD.)

THE COURT: YOU MAY PROCEED.

BY MR. DAUGHERTY:

Q. WHERE EXACTLY DID YOU TAKE MR. STANSBURY AT THE POMONA POLICE DEPARTMENT?

A. TO AN INTERVIEW ROOM.

Q. WHERE IS THAT LOCATED?

A. I BELIEVE IT'S ON THE GROUND FLOOR.

Q. HOW DID YOU ENTER THE POLICE STATION WITH HIM?

A. THROUGH THE SALLY PORT.

Q. DID YOU ASK SOMEONE WHERE TO TAKE HIM? HOW DID YOU KNOW WHERE TO TAKE HIM INSIDE THE STATION?

A. I BELIEVE WE ASKED WHERE TO TAKE HIM.

Q. NOW, THE INTERVIEW ROOM IS LOCATED WHERE WITHIN THE POLICE STATION?

[2057] A. I BELIEVE IT'S ON THE GROUND FLOOR.

Q. DID JUST - WERE YOU ALONE WHEN YOU TOOK MR. STANSBURY TO THAT ROOM?

A. NO, THE FOUR OF US, THE FOUR OFFICERS AND MR. STANSBURY WENT IN.

Q. DID ANYONE FROM POMONA OR THE SHERIFF'S DEPARTMENT, POMONA P.D. OR THE SHERIFF'S DEPARTMENT JOIN YOU AT THAT POINT?

A. I BELIEVE AN OFFICER SHOWED US WHERE THE INTERVIEW ROOM WAS.

Q. THEN YOU USHERED MR. STANSBURY INTO THAT INTERVIEW ROOM?

A. YES.

Q. DID THAT HAVE WINDOWS IN IT OR WAS IT JUST FOUR WALLS?

A. I DON'T KNOW. I NEVER WENT IN THERE.

Q. YOU NEVER WENT INTO THE ROOM WITH MR. STANSBURY?

A. I WENT TO CONTACT SERGEANT JOHNSTON.

Q. DID SOMEONE ELSE STAY WITH MR. STANSBURY AT THAT POINT?

A. YES.

Q. WHO WAS THAT?

A. I BELIEVE THE OTHER THREE OFFICERS.

Q. DID YOU SEE MR. STANSBURY AGAIN?

A. NO.

Q. YOU THEN LEFT AT THAT POINT, AS SOON AS YOU CONTACTED SERGEANT JOHNSTON?

[2058] A. WE STOOD BY UNTIL WE WERE RELEASED.

Q. YOU WERE NEVER IN THAT ROOM, THOUGH, WHEN MR. STANSBURY MADE ANY STATEMENT OR WAS ASKED ANY QUESTIONS?

A. NO, I WASN'T.

Q. YOU HAD INDICATED THAT WHEN YOU WERE AT THE SCENE WHEN YOU WERE TALKING TO MR. STANSBURY, WHEN HE WAS AT THE FRONT DOOR, THAT YOU HAD HAD YOUR FIREARM DRAWN?

A. YES.

Q. CAN YOU TELL ME HOW YOU HAD IT DRAWN?

A. I HAD IT OUT OF MY HOLSTER DOWN MY LEG.

Q. WITH YOUR ARM EXTENDED DOWN TOWARD THE GROUND?

A. YES.

Q. DID YOU NOTICE - YOU INDICATED THE OTHER THREE OFFICERS HAD THEIR FIREARMS DRAWN, DID YOU NOTICE HOW THEY HAD THEIRS DRAWN?

A. NO, I DIDN'T.

Q. DO YOU RECALL WHAT WEAPONS YOU HAD AT THAT TIME?

A. ONLY MINE.

Q. WHAT WERE YOU CARRYING?

A. A .45.

Q. IS THAT STANDARD ISSUE FOR BALDWIN PARK POLICE OFFICERS?

A. YES.

Q. YOU ASSUME THE OTHER THREE OFFICERS ALSO HAD .45'S?

A. YES.

[2059] Q. I PRESUME THEY WERE ALL LOADED?

A. MINE WAS.

MR. DAUGHERTY: I HAVE NOTHING FURTHER.

CROSS-EXAMINATION +

BY MR. BURNS:

Q. OFFICER, DID YOU EVER ENTER THE TRAILER AT THE TIME YOU WERE MAKING CONTACT WITH MR. STANSBURY?

A. NO.

Q. AT THAT POINT IN TIME, HAD YOU BEEN INVOLVED IN INTERVIEWING ANY OF THE OTHER WITNESSES IN THIS CASE?

A. NO.

Q. WERE YOU AWARE OF WHAT THE WITNESSES HAD BEEN INTERVIEWED OR WHAT INVESTIGATIVE LEADS WERE PRESENT AT THAT TIME?

A. NO.

Q. WERE YOU AWARE OF WHY IT WAS HOMICIDE OR HOW IT WAS THAT HOMICIDE BECAME AWARE OF MR. STANSBURY'S PRESENCE AT ALL IN THIS CASE?

A. NO.

Q. THE GUN YOU HAD DRAWN, WAS THAT AT ANY TIME OR ANY FASHION POINTED AT MR. STANSBURY?

A. NO.

Q. DID YOU ATTEMPT TO PUT IT BEHIND YOUR LEG IN A FASHION SO THAT MR. STANSBURY WOULD NOT BE AWARE IN FACT THAT THE GUN WAS DRAWN?

A. YES.

Q. MR. STANSBURY AT ANYTIME VOICE ANY CONCERN TO [2060] YOU OR INDICATE ANY HESITANCY IN COOPERATING WITH YOU AT THAT TIME?

A. NO.

MR. BURNS: NO FURTHER QUESTIONS.

MR. DAUGHERTY: NOTHING FURTHER.

THE COURT: THANK YOU, OFFICER.

YOU MAY STEP DOWN.

MR. BURNS: YOUR HONOR, AT THIS TIME THE PEOPLE WOULD CALL SERGEANT PATTERSON TO THE STAND - I'M SORRY.

LIEUTENANT JOHNSTON TO THE STAND.

YOUR HONOR, MAY THIS WITNESS BE EXCUSED FOR THIS MOTION?

THE COURT: YES.

MR. DAUGHERTY: NO OBJECTION

THE COURT: YOU'RE EXCUSED.

MR. SMITH: SIR, THANK YOU.

THOMAS JOHNSTON, +

A PEOPLE'S WITNESS, HAVING BEEN FIRST DULY SWORN TESTIFES [sic] AS FOLLOWS:

THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY GIVE IN THE

CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD.

THE WITNESS: I DO.

THE CLERK: PLEASE TAKE THE WITNESSES STAND.

STATE YOUR NAME FOR THE RECORD AND SPELL YOUR [2061] LAST NAME.

THE WITNESS: THOMAS JOHNSTON, J-O-H-N-S-T-O-N.

DIRECT EXAMINATION +

BY MR. BURNS:

Q. MR. JOHNSTON, DIRECTING YOUR ATTENTION TO SEPTEMBER 29 OF 1982, WHAT WAS YOUR OCCUPATION AND YOUR ASSIGNMENT ON THAT DAY?

A. I WAS A SERGEANT WITH THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, ASSIGNED TO THE HOMICIDE BUREAU.

Q. IN THAT ASSIGNMENT, WERE YOU INVOLVED IN THE INVESTIGATION OF THE DEATH OF ONE ROBYN JACKSON?

A. YES.

[2062] Q. ON THAT DATE FOR ANY REASON WERE YOU IN THE POMONA AREA?

A. I WAS.

Q. AND WHAT WAS YOUR PURPOSE INTIALLY [sic] IN GOING TO THE POMONA AREA ON THAT DATE?

A. CONTACT AND INTERVIEW TWO INDIVIDUALS BELIEVED TO HAVE BEEN IN THE BALDWIN PARK AREA ON THE PREVIOUS DAY.

Q. PRIOR TO GOING TO THE POMONA AREA, DID YOU REQUEST ANY UNITS TO GO TO THE POMONA AREA IN ADVANCE OF YOU?

A. YES, SIR.

Q. WHAT WAS THE PURPOSE OF SENDING THOSE UNITS IN ADVANCE?

A. TO VERIFY THAT THE ADDRESSES, EACH ONE OF THE TWO ADDRESSES WAS A VALID ADDRESS AND ALSO TO OBSERVE IF THERE WERE ANY VEHICLES AT EITHER ONE OF THE ADDRESSES THAT WERE TURQUOISE IN COLOR.

Q. AT THAT POINT IN TIME HAD YOU INTERVIEWED A WITNESS WHO HAD GIVEN YOU A DESCRIPTION CONCERNING A POSSIBLE VEHICLE USED TO DEPOSIT THE BODY?

A. YES, SIR.

Q. WAS THAT DESCRIPTION IN ANY WAY SIMILAR TO AN ICE CREAM TRUCK?

A. NO, SIR.

Q. WAS IT A PASSENGER VEHICLE?

A. YES, SIR.

Q. AMERICAN LATE MODEL, TURQUOISE IN COLOR?

[2063] A. YES

Q. NOW, AT THAT POINT IN TIME, HOW WAS IT THAT YOU BECAME AWARE OF MR. ROBERT STANSBURY AT ALL IN CONNECTION WITH THIS CASE?

A. INFORMATION FROM A BALDWIN PARK POLICE OFFICER WHOSE NAME I CANNOT RECALL, RELATIVE TO HIS BEING DISPATCHED TO THE SCENE OF A PROPERTY DAMAGE VEHICLE ACCIDENT ON THE PREVIOUS AFTERNOON IN THE BALDWIN PARK AREA.

Q. SO AT THAT POINT IN TIME BASED ON ALL THE WITNESSES THAT YOU HAD INTERVIEWED, THE INFORMATION THAT YOU HAD AT THAT POINT IN TIME CONCERNING MR. STANSBURY WAS JUST THAT HE HAD HAD A TRAFFIC ACCIDENT SOMEWHERE IN THE BALDWIN PARK AREA?

A. A. YES, SIR.

Q. WHY DID YOU WANT TO TALK TO HIM?

A. WELL, THE TIME OF THE ACCIDENT AND THE LOCATION OF THE ACCIDENT WAS SIGNIFICANT TO THE AREA IN TIME RELATIVE TO THE DISAPPEARANCE IN AN ATTEMPT TO FIND ALL POSSIBLE WITNESSES RELATIVE TO THE INCIDENT AS SOON AS POSSIBLE. WHICH WOULD BE THE MAIN REASON.

Q. ALL RIGHT. NOW, DID YOU YOURSELF GO TO MR. STANSBURY'S RESIDENCE FIRST?

A. NO, SIR.

Q. WHICH RESIDENCE DID YOU GO TO?

A. THE RESIDENCE OF A YUSUF WITH THE LONG NAME ON DUDLEY.

Q. NOW AT SOME POINT DID YOU MAKE CONTACT WITH [2064] THAT INDIVIDUAL THAT WE'LL CALL YUSUF?

A. YES, SIR, I DID.

Q. AND DID HE AGREE TO GO WITH YOU TO THE POMONA STATION FOR SOME QUESTIONING?

A. YES.

Q. AND DID YOU ACCOMPANY YUSUF TO THE POMONA POLICE STATION FOR THE PURPOSE OF THOSE QUESTIONS?

A. I DID.

Q. DID ANYONE FROM THE SHERIFF'S HOMICIDE TEAM GO TO MR. STANSBURY'S RESIDENCE?

A. NO.

Q. DID YOU REQUEST SOMEONE GO TO MR. STANSBURY'S RESIDENCE AND MAKE CONTACT WITH HIM?

A. YES.

Q. AND DO YOU RECALL WHO IT WAS THAT YOU MADE THAT REQUEST OF?

A. SERGEANT HIGGENBOTHAM.

Q. WHAT DID YOU INDICATE TO MR. HIGGENBOTHAM THAT YOU WANTED TO HAVE ACCOMPLISHED; WHAT DID YOU TELL HIM TO DO?

Q.[sic] I INDICATED TO SERGEANT HIGGENBOTHAM THAT I WAS GOING TO ATTEMPT TO ACCESS SOME INTERVIEW ROOM AT POMONA POLICE DEPARTMENT AND THAT I WOULD BE THERE FOR A PERIOD OF TIME INTERVIEWING YUSUF.

IF IT WAS AT ALL POSSIBLE, I WOULD APPRECIATE IF MR. STANSBURY WOULD RESPOND TO THE POMONA POLICE DEPARTMENT EITHER BY HIS OWN MEANS OR AT THE ASSISTANCE OF BALDWIN PARK TO ADVISE THAT WE DESIRE TO TALK TO HIM.

[2065] AND IF NECESSARY, WE WOULD PROVIDE TRANSPORTATION, AND WE WOULD MAKE IT AS BRIEF A PERIOD OF TIME AS POSSIBLE.

Q. YOU BASICALLY INDICATED TO MR. HIGGENBOTHAM THAT MR. STANSBURY WOULD BE OR SHOULD BE ALLOWED TO MAKE HIS OWN TRANSPORTATION ARRANGEMENTS IF HE DESIRES.

IS THAT RIGHT?

A. YES.

Q. INDICATING THAT THAT WAS AN OFFER YOU WANTED TO MAKE SURE WAS EXTENDED TO MR. STANSBURY.

MR. DAUGHERTY: OBJECTION. LEADING THE WITNESS.

THE COURT: SUSTAINED.

MR. DAUGHERTY: OVER AND OVER.

BY MR. BURNS:

Q. DID YOU AT ANY TIME COMMUNICATE TO MR. HIGGENBOTHAM THAT MR. STANSBURY WAS A SUSPECT IN THIS CASE?

A. NO.

Q. AT ANY TIME DID YOU MAKE ANY REQUEST FOR HIS DETENTION OR APPREHENSION?

A. NO.

Q. IF IN FACT MR. STANSBURY WERE TO HAVE BEEN A SUSPECT AT THAT POINT IN TIME, WOULD IT HAVE BEEN YOUR NORMAL PROCEDURE TO DISPATCH ASSISTING UNITS TO THE LOCATION WITHOUT YOUR PERSONAL PRESENCE?

A. NO.

Q. HOW LONG HAD YOU BEEN A SHERIFF'S HOMICIDE INVESTIGATOR UP UNTIL THEN?

[2066] A. IN SEPTEMBER OF 1982.

I STARTED IN HOMICIDE MARCH 1978, SO FOUR YEARS, A LITTLE OVER FOUR YEARS.

Q. NOW, AT THAT POINT IN TIME OR - STRIKE THAT. AT SOME LATER POINT IN TIME WERE YOU INFORMED THAT MR. STANSBURY WAS IN FACT AT THE POMONA POLICE STATION?

A. YES.

Q. WHO INFORMED YOU OF THAT?

A. THERE WAS OFFICER LEE AND AN UNKNOWN POMONA POLICE OFFICER.

Q. WHAT DID YOU DO AT THAT POINT?

A. I FOLLOWED THE POMONA OFFICER AND LEE TO WHERE MR. STANSBURY WAS DOWNSTAIRS IN THE POMONA POLICE STATION.

Q. AT THE TIME THAT YOU WERE INFORMED THAT MR. STANSBURY WAS THERE, DO YOU RECALL WHAT YOU WERE DOING AT THAT TIME?

A. WE WERE JUST PROCEEDING WITH THE INTERVIEW OF YUSUF UPSTAIRS IN AN INTERVIEW ROOM OFF OF THEIR DETECTIVE BUREAU.

Q. AND WHEN YOU WENT DOWNSTAIRS, DID YOU TAKE ANYONE WITH YOU?

A. NO.

Q. WHERE DID YOU MEET MR. STANSBURY?

A. IN AN INTERVIEW ROOM IN THE GROUND FLOOR IN THE JAIL AREA OF THE POMONA POLICE DEPARTMENT.

Q. WAS MR. STANSBURY AT ANY TIME RESTRAINED OR [2067] HANDCUFFED?

A. NO, SIR.

Q. AT THAT TIME WHEN YOU MET MR. STANSBURY, DID YOU ASK HIM ANY QUESTIONS?

A. YES, SIR.

Q. WAS ANYBODY PRESENT DURING THE TIME YOU WERE ASKING THESE QUESTIONS?

A. YES.

Q. WHO WAS PRESENT?

A. OFFICER DARLENE BELL FROM BALDWIN PARK POLICE DEPARTMENT.

Q. WHEN DID SHE COME IN DURING THIS QUESTIONING TIME?

A. AT THE BEGINNING.

Q. AND PRIOR TO ASKING MR. STANSBURY ANY QUESTIONS, DID YOU ADVISE HIM OF ANY MIRANDA RIGHTS?

A. NO, SIR.

Q. WAS HE, PRIOR TO THESE QUESTIONS, A SUSPECT IN YOUR MIND?

A. NO, SIR.

Q. WAS HE IN CUSTODY AT THAT TIME?

A. NO, SIR.

Q. IF MR. STANSBURY HAD ASKED TO LEAVE, WHAT WOULD YOU HAVE DONE?

A. PERMITTED HIM TO LEAVE.

Q. DID MR. STANSBURY AT ANY TIME INDICATE TO YOU THAT HE WAS RELUCTANT TO ANSWER YOUR QUESTIONS?

A. NO, SIR.

[2068] Q. DID HE AT ANY TIME REQUEST TO MAKE PHONE CALLS TO ANYONE ELSE?

A. NO.

Q. DID HE AT ANY TIME REQUEST THE QUESTIONING TO STOP PRIOR TO ACTUALLY LATER GIVING HIM SOME MIRANDA RIGHTS?

A. PRIOR TO MIRANDA RIGHTS?

Q. YES.

A. NO, SIR.

Q. WHAT BASICALLY DID YOU ASK HIM AT THAT POINT?

A. I ASKED HIM OF COURSE HIS NAME AND HIS RESIDENCE, HIS OCCUPATION, AND HIS ACTIONS OF THE PREVIOUS DAY.

Q. AND DID HE RESPOND TO THOSE THINGS?

A. YES, SIR.

Q. DID HE RESPOND TO THEM IN A WILLING MANNER?

A. YES.

Q. DID HE APPEAR TO BE RELUCTANT IN HIS RESPONSES TO YOU?

A. NO.

Q. WHAT SORT OF INFORMATION DID HE TELL YOU?

A. HE GAVE ME INFORMATION CONCERNING THE ICE CREAM TRUCK AND THAT IT BELONGED TO

SOME INDIVIDUAL THAT HE LEASED THE ICE CREAM TRUCK FROM. WHAT HIS ROUTE HAD INVOLVED THE PREVIOUS DAY AS FAR AS THE TIME, THE ROUTE TO BALDWIN PARK, HOW HE WORKED BALDWIN PARK. HOW HE HAD A PROBLEM WITH THE VEHICLE THAT REQUIRED HIM PURCHASING SOME TOOLS TO DO SOME WORK ON, I BELIEVE IT WAS THE TAPPETS.

[2069] HE SAID HE HAD TO REMOVE THE ENGINE COVER TO DO SOME WORK.

HE WAS IN THE VICINITY OF A HIGH SCHOOL, HE COULD NOT RECALL THE NAME OF THE HIGH SCHOOL, BUT IT WAS SOMEWHERE OFF RAMONA.

HE HAD BEEN DELAYED FOR A PERIOD OF TIME AND HAD GONE BACK TO HIS ROUTE SOMEWHERE IN THE NEIGHBORHOOD OF 2 OR 2:30 IN THE AFTERNOON.

HE WOULD QUADRANT THE CITY. HE WAS NOT FAMILIAR WITH ALL THE STREETS.

HOWEVER, HE WOULD REFERENCE AN AREA AS IT RELATED TO MAIN STREET OR RAMONA. OR IN ONE INSTANCE HE WOULD REFERENCE MAIN STREET IN THE NEIGHBORHOOD OF LOS ANGELES STREET.

HE INDICATED THAT HE WAS IN THE AREA THAT WE WERE CONCERNED WITH, SOMEWHERE IN THE NEIGHBORHOOD OF 6:00 P.M.

AND HE REFERRED TO THAT NEIGHBORHOOD BY SAYING IT WAS EAST OF MAIN STREET AND NORTH OF LOS ANGELES STREET.

AND I BELIEVE SINCE I WAS NO MORE FAMILIAR WITH STREET NAMES THAN MR. STANSBURY, I BELIEVE WE BOTH USED THE GETTY SCHOOL AS A REFERENCE POINT.

THAT HE WAS STILL HAVING TROUBLE WITH HIS VEHICLE, AND HE LEFT THE AREA IN THE VEHICLE NORTHBOUND TOWARD ARROW HIGHWAY SOMEWHERE IN THE NEIGHBORHOOD OF 6:30 TO 7.

HE PROCEEDED HOME TO THE POMONA ADDRESS, VIA [2070] ARROW HIGHWAY TO AVOID KELLOG HILL.

THE PERFORMANCE OF HIS VEHICLE WAS SUCH THAT HE WAS UNABLE TO NEGOTIATE THE HILL.

HE STOPPED SOMEWHERE ALONG ARROW HIGHWAY IN AN UNKNOWN LOCATION AS FAR AS A CROSS STREET FOR THE PURPOSES OF PURCHASING GAS.

HE DESCRIBED THE GAS STATION, HE WAS UNABLE TO PROVIDE THE NAME OF THE SERVICE STATION, THE ACTUAL COMPANY.

HE INDICATED HE ARRIVED AT HIS RESIDENCE SHORTLY AFTER 9:00 P.M. BASED ON THE FACT THAT HIS VEHICLE COULD ONLY PROCEED AT AN ESTIMATED 10 TO 15 MILES AN HOUR.

HE FURTHER INDICATED THAT HE FELL ASLEEP WATCHING TELEVISION, AND THAT HE WAS AWOKEN SOMEWHERE AROUND MIDNIGHT BY A ROOMMATE OF HIS BY THE NAME OF LUCAS WHO WAS APPARENTLY WASHING POTS AND PANS OR DISHES IN THE TRAILER THAT HE WAS SLEEPING IN.

HE INDICATED THAT HE ASKED MR. LUCAS IF HE COULD BORROW THE LUCAS VEHICLE IN ORDER TO GO OUT TO A RESTAURANT, SAMBO'S ON INDIAN HILL IN ORDER TO GET SOMETHING TO EAT.

I ASKED HIM WHAT OTHER VEHICLES WOULD BE AVAILABLE TO HIM; WHO ELSE LIVED IN THE RESIDENCE THAT MAY HAVE BEEN HOME AT THAT TIME.

HE SAID THERE WAS NO ONE ELSE OTHER THAN LUCAS. AND HE LIVED WITH TWO OTHER PEOPLE, MR. EASTERDAY AND A MR. GLENN PARKER.

HE DESCRIBED ONE OF THESE PEOPLE AS BEING AN [2071] UNCLE. I DON'T RECALL WHICH ONE.

AND THAT MR. EASTERDAY HAD AN OLDER GRAY PLYMOUTH THAT HE HAD ACCESS TO.

SINCE MR. EASTERDAY WAS NOT THERE, HE WAS GOING TO USE THE LUCAS VEHICLE.

HE INDICATED THAT THE MORNING OF THE 29TH HAD PUT HIS TRUCK IN THE STARBUCK'S TO HAVE THE MOTOR FIXED.

THAT HE BORROWED THE LUCAS VEHICLE, AND HE PROCEEDED ALONE IN THE LUCAS VEHICLE TO THIS SAMBO'S RESTAURANT.

HE WAS UNABLE TO INDICATE WHAT TIME HE GOT BACK TO THE TRAILER AFTER GOING TO SAMBO'S.

Q. DID HE INDICATE TO YOU WHERE THIS SAMBO'S WAS LOCATED?

A. INDIAN HILL.

Q. DURING THE TIME HE WAS GIVING YOU THIS INFORMATION, WERE THESE NARRATIVE TYPE STATEMENTS, ~~OR WERE~~, THESE QUESTION AND ANSWER TYPE STATEMENTS OR SOME COMBINATION?

A. SOME COMBINATION.

Q. ALL RIGHT, NOW HE INDICATED TO YOU THAT HE HAD EARLIER DESCRIBED HIS ROUTE IN BALDWIN PARK. IS THAT RIGHT?

A. YES.

Q. DID HE INDICATE WHAT STREETS HE HAD GOTTEN OFF THE SAN BERNARDINO FREEWAY AS HE WAS ENTERING INTO THE BALDWIN PARK AREA?

A. HE SAID HE USUALLY TAKES PACIFIC OFF.

[2072] HE FELT IT HAD BEEN PACIFIC. HOWEVER, ON SOME OCCASIONS HE HAD USED PUENTE.

HE SEEMED VERY CONCERNED WITH PROVIDING ACCURATE INFORMATION. HE FELT IT WAS PACIFIC.

Q. HE FELT IT WAS PACIFIC, BUT FELT IT MIGHT HAVE BEEN PUENTE?

A. CORRECT.

Q. AT SOMETIME YOU INDICATED HE DESCRIBED A GAS STATION THAT HE HAD BOUGHT SOME GAS. IS THAT RIGHT?

A. YES.

Q. WHAT DID HE TELL YOU ABOUT THE GAS STATION?

A. HE SAID IT WAS RIGHT ON ARROW HIGHWAY, AND THAT IT WAS A SERVICE STATION WHERE YOU DRIVE IN AND PAY IN THE CASH BOOTHS, CASHIERS' BOOTHS.

IT'S RIGHT UP BETWEEN THE PUMPS IN CLOSE PROXIMITY TO THE STREET ITSELF.

Q. DID HE INDICATE TO YOU WHETHER THERE WAS A CORNER OR NOT A CORNER, OR WAS THAT AREA EVEN DISCUSSED?

A. I CANNOT RECALL.

Q. WAS HE ABLE TO GIVE YOU A NAME OF THE GAS STATION?

A. HE WAS ABLE TO INDICATE THAT IT WAS ONE OF THE OFF BRANDS, SOME TYPE OF A DISCOUNT TYPE.

AND I BELIEVE THERE WAS SOME REFERENCE TO A SAV-MOR OR SOMETHING. BUT I DON'T KNOW THE ORIGIN OF THAT PARTICULAR NAME. IT WAS NOT A MAJOR BRAND.

[2073] Q. NOW, AT SOME POINT HE INDICATED THAT HE GOT HOME AND LATER BORROWED A CAR

AND WENT TO SOME PLACE TO GET SOMETHING TO EAT. IS THAT RIGHT?

A. THAT'S CORRECT.

Q. AT THE POINT HE FIRST INDICATED HE BORROWED THIS CAR, HE HAD NOT YET DESCRIBED THIS CAR, HAD HE?

A. THAT'S CORRECT.

Q. AFTER HE MADE THESE STATEMENTS, DID YOU SHOW HIM ANY PICTURES OR ANY DEPICTIONS OF ANY OF THE PEOPLE INVOLVED IN THIS CASE?

A. YES, I SHOWED HIM A PHOTOGRAPH OF ROBYN JACKSON.

Q. WHAT WAS THE PURPOSE OF SHOWING THE PHOTOGRAPH OF ROBYN JACKSON?

A. TO SEE IF HE RECOGNIZED HER OR RECALLED SEEING HER THAT DAY.

Q. TOWARDS WHAT END OR TOWARDS WHAT PURPOSE?

A. TOWARD THE POSSIBILITY OF HIM HAVING SEEN HER COMING FROM OR GOING TO ANY PARTICULAR LOCATION OR PERSONS OR VEHICLES OR WHEREABOUTS AT A TIME THAT MIGHT BE PERTINENT TO THIS INVESTIGATION.

Q. THIS WOULD STILL BE IN THE NATURE OF HIM BEING A POSSIBLE WITNESS TO HER MOVEMENTS THAT WERE THEN UNKNOWN?

A. YES.

MR. DAUGHERTY: OBJECTION. LEADING.

MR. BURNS: I DON'T THINK IT WAS LEADING, YOUR [2074] HONOR.

THE COURT: OVERRULED.

THE ANSWER WILL STAND.

WE'LL TAKE A SHORT RECESS. WE'LL RESUME AT A QUARTER AFTER THREE.

(RECESS.)

THE COURT: WE'RE BACK ON THE RECORD IN THE STANSBURY MATTER.

MR. BURNS, MR. DAUGHERTY AND MR. STANSBURY IS HERE.

MR. ROBUSTO HAS BEEN TEMPORARILY EXCUSED. WE EXPECT HIM IN ABOUT TEN MINUTES.

YOU MAY PROCEED.

MR. BURNS: THANK YOU, YOUR HONOR.

Q. YOU INDICATED, OFFICER, THAT YOU SHOWED MR. STANSBURY A PHOTOGRAPH OF THE VICTIM. IS THAT CORRECT?

A. THAT'S CORRECT.

Q. AND I'M NOT SURE IF I ASKED THIS QUESTION. WHAT WAS THE PURPOSE OF SHOWING MR. STANSBURY THAT PHOTOGRAPH?

A. SEE IF HE RECOGNIZED THE YOUNG LADY AND IF HE HAD SEEN HER AROUND THE 28TH.

Q. WHAT OTHER QUESTIONS DID YOU ASK - WHAT DID MR. STANSBURY RESPOND TO THAT QUESTION?

A. HE INDICATED THAT HE HAD SPOKEN TO HER. THAT HE HAD SEEN HER IN PROXIMITY TO WHERE HE BELIEVED SHE LIVED IN COMPANY WITH ANOTHER YOUNG FEMALE AND A SMALLER [2075] BOY.

AND HE FELT THAT THAT WAS AROUND 6:00 P.M. AND IT WOULD BE ON THE STREET ON THE EAST SIDE OF THE SCHOOL, ALTHOUGH HE WAS NOT ABLE TO TELL ME THE NAME OF THE STREETS.

Q. DID HE INDICATE WHAT HAPPENED AFTER VIEWING THE GIRL?

A. AFTER SPEAKING TO HER FOR A SHORT PERIOD OF TIME, HE PROCEEDED DOWN THAT STREET, WHICH WOULD BE PHELAN AND AT THE NEXT INTERSECTION, IT'S A T-INTERSECTION.

THE STREET COMES IN FROM THE WEST, HE SOLD SOME ICE CREAM TO FOUR LITTLE MEXICAN CHILDREN.

HE WASN'T ABLE TO INDICATE WHO THEY WERE OR EVEN HAVING HAD ANYTHING TO DO WITH THEM BEFORE.

IN FACT, I DON'T RECALL IF HE WAS EVEN ABLE TO SPECIFY WHAT THE SEXES OF THE CHILDREN WERE.

HE THEN PROCEEDED WESTBOUND ON THAT STREET I JUST REFERRED TO ALL THE WAY TO MAIN STREET.

AND AGAIN, I'M NOT FAMILIAR ENOUGH WITH THE AREA TO TELL YOU WHAT THE STREET IS.

HE DID DRAW A LITTLE MAP SO WE COULD FOLLOW EACH OTHER.

HE PROCEEDED ON MAIN STREET WHERE HE COULD GO MAIN STREET, COMING BACK EAST FROM MAIN TO THE WEST SIDE OF THE GETTY SCHOOL.

AS HE GOT TO THE END OF THAT STREET AT GETTYS SCHOOL, HE PROCEEDED NORTHBOUND.

Q. DURING THIS TIME, DID HE AT ANY TIME INDICATE [2076] THAT HE HAD STOPPED AND MADE CONTACT WITH ANY OTHER POTENTIAL CUSTOMERS OR MADE ANY OTHER SALES?

A. NO, JUST THE REFERENCE TO THE FOUR MEXICAN CHILDREN AT THE FIRST INTERSECTION.

Q. DID YOU AT THAT TIME ASK HIM ANY QUESTIONS CONCERNING ANY PEOPLE THAT HE MIGHT HAVE SEEN IN THE AREA?

A. YES, I DID.

Q. DID YOU ATTEMPT TO GET A DESCRIPTION OF WHO THESE PEOPLE WERE?

A. YES.

Q. WHAT INFORMATION DID HE GIVE YOU?

A. HE WAS NOT AWARE OF ANYBODY IN THE NEIGHBORHOOD IN THE AREA THAT HE HAD NOT SEEN THERE BEFORE WITH THE EXCEPTION OF ANOTHER ICE CREAM TRUCK WITH A MALE CAUCASIAN DRIVER, WHICH WAS SEEN BY HIM ON THE STREET ON THE WEST SIDE OF GETTYS SCHOOL AFTER LEAVING THE AREA OF HIS ENCOUNTER WITH VICTIM JACKSON.

Q. WHY WERE YOU INQUIRING OF HIM AS TO OTHER PEOPLE HE MIGHT HAVE SEEN IN AND ABOUT THE TIME HE SAW THE VICTIM?

A. IN ORDER TO IDENTIFY ANY WITNESSES AND OR SUSPECTS RELATIVE TO THE DISAPPEARANCE OF THE GIRL.

Q. WHY WERE YOU ASKING HIM SPECIFICALLY WHAT HE HAD DONE AFTER SEEING THE GIRL?

A. FOR THE PURPOSES OF ASCERTAINING HIS MOVEMENTS AS BEST THEY COULD RELATE TO LOCATION AND TIME OF DAY.

Q. AS TO WHEN HE WOULD HAVE SEEN THESE OTHER [2077] PEOPLE?

A. YES.

Q. NOW, AFTER ASKING THESE QUESTIONS, WHAT ELSE DID YOU TALK TO HIM ABOUT OR - STRIKE THAT.

I'M SORRY, I DON'T KNOW IF I ASKED THIS.

DID HE DESCRIBE SOMEONE TO YOU THAT HE HAD SEEN IN THE AREA?

A. YES.

Q. DO YOU RECALL WHAT SORT OF DESCRIPTION HE GAVE YOU?

A. JUST VERY VAGUELY, BUT IT WAS A MALE CAUCASIAN, I BELIEVE - WELL I WOULD BE GUESSING AT THE AGE - DRIVING ANOTHER ICE CREAM TRUCK, A WHITE STEP VAN HE BELIEVED WAS A FORD, AND THAT WAS ON THE STREET I PREVIOUSLY REFERRED TO.

Q. AT THAT TIME, OFFICER, DID YOU ASK HIM ANY QUESTIONS CONCERNING THE OTHER PEOPLE THAT HE LIVED WITH OR WHO THEY WERE AND SO FORTH?

A. YES.

Q. AND DID HE GIVE YOU ANY INDICATION AS TO THE VEHICLES THAT WERE CONNECTED TO THAT HOUSE?

A. YES. HE INDICATED THAT THERE WERE TWO VEHICLES THERE, ONE BELONGING TO MR. EASTERDAY AND THE OTHER VEHICLE BELONGING TO MR. LUCAS.

Q. DID HE DESCRIBE THE EASTERDAY VEHICLE FIRST?

A. YES.

Q. AND DID HE THEN DESCRIBE THE LUCAS VEHICLE?

A. YES.

[2078] Q. WAS THIS THE VEHICLE THAT HE INDICATED THAT HE HAD BORROWED ON APPROXIMATELY MIDNIGHT ON THE DAY BEFORE THE 28TH?

A. YES.

Q. HOW DID HE DESCRIBE THAT VEHICLE?

A. HE TOLD ME THE VEHICLE WAS A LATE MODEL UNKNOWN YEAR BUT OLDER CHEVELLE AND TWO-DOOR, AND THAT IT WAS TURQUOISE IN COLOR.

Q. AT THAT POINT, WHAT QUESTIONS DID YOU ASK HIM?

A. I THINK IT WAS AT THAT POINT THAT I ASKED HIM CONCERNING ANY PRIOR ARRESTS.

Q. UP UNTIL THAT POINT, OFFICER, HAD YOU HAD ANY INFORMATION CONCERNING WHAT MR. STANSBURY'S PRIOR ARREST BACKGROUND WAS?

A. NO.

THE COURT: WOULD YOU READ BACK THE LAST TWO QUESTIONS AND ANSWERS, PLEASE.

(THE RECORD WAS READ BY THE REPORTER.)

BY MR. BURNS:

Q. HAD YOU HAD ANY INFORMATION CONCERNING WHAT HIS PRIOR BACKGROUND WAS?

A. NO.

Q. AND IT WAS AFTER HE DESCRIBED THE CAR THAT HE INDICATED THAT HE BORROWED AT MIDNIGHT ON THE 28TH THAT YOU ASKED HIM CONCERNING HIS RECORD?

A. THAT'S CORRECT.

Q. AND AT APPROXIMATELY WHAT TIME IN THE MORNING [2079] WERE YOU AWARE THAT THE BODY WAS DUMPED?

A. IT WAS 0130 HOURS, 1:30 AM.

Q. AND FROM THAT - AND THAT CAR WAS IDENTIFIED TO YOU, AT LEAST PARTIALLY, AS TURQUOISE COLOR?

A. YES, SIR.

Q. AT THAT TIME DID THE DEFENDANT INDICATE TO YOU WHAT HIS BACKGROUND WAS?

A. YES, HE DID.

Q. DO YOU RECALL BASICALLY WHAT KIND OF BACKGROUND HE INDICATED HE HAD?

A. HE INDICATED TO ME HE WAS PRESENTLY ON PAROLE. THAT HE HAD BEEN CONVICTED EITHER TWO OR THREE TIMES PREVIOUS FOR KIDNAPPING AND RAPE AND TWO PRIOR CONVICTIONS FOR CHILD MOLESTATION.

ONE OF THE KIDNAPPING AND RAPES OCCURRED IN THE STATE OF OKLAHOMA SOME TIME PRIOR TO THAT, AND THAT HE WAS PRESENTLY ON PAROLE FOR KIDNAPPING AND RAPE.

Q. AT THAT POINT IN TIME WHAT DID YOU DO?

A. I TERMINATED ANY FURTHER QUESTIONS.

Q. DID YOU LEAVE THE AREA?

A. AFTER MR. STANSBURY MADE A STATEMENT.

Q. WHAT STATEMENT DID HE MAKE?

A. "I GUESS THAT MAKES ME A GOOD SUSPECT."

Q. IS THAT WHAT HE TOLD YOU AFTER INDICATING TO YOU HIS PRIOR RECORD?

A. YES, SIR.

Q. AND THEN HE MADE THE STATEMENT, "I GUESS THAT MAKES ME A GOOD SUSPECT?"

[2080] A. YES, SIR.

Q. WHAT DID YOU DO AT THAT POINT?

A. I HAD OFFICER BELL LEAVE THE ROOM AND CONTACTED SERGEANT PATTERSON AND DEPUTY RIORDAN.

Q. WHEN YOU INDICATE YOU HAD DETECTIVE BELL LEAVE THE ROOM, DID YOU ALSO LEAVE THE ROOM WITH DETECTIVE BELL?

A. YES.

Q. MR. STANSBURY WAS THEN LEFT ALONE IN THE ROOM AT THAT TIME?

A. YES.

Q. DID YOU CONTACT ANY OTHER OFFICERS AT THAT POINT?

A. THERE WAS SOMEBODY FROM BALDWIN PARK JUST OUTSIDE THE ROOM IN THE HALLWAY, AND I ASKED THEM IF THEY WOULD GET PATTERSON AND RIORDAN.

AND I THINK IT MUST HAVE BEEN SERGEANT HIGGENBOTHAM, BUT I'M NOT SURE.

Q. AND AT SOME SUBSEQUENT POINT DID YOU MAKE CONTACT WITH INVESTIGATORS THAT YOU DESCRIBED AS PATTERSON AND RIORDAN?

A. YES.

Q. WHO ARE THEY?

A. THEY WERE MY CO-INVESTIGATORS ON THIS HOMICIDE.

Q. WORKING FOR SHERIFF'S HOMICIDE?

A. THAT'S CORRECT.

Q. AND ALL THREE OF YOU WERE IN CHARGE OF [2081] INVESTIGATION?

A. YES, SIR.

Q. AND AT THAT TIME, WHAT DID THE THREE OF YOU DO?

A. WE REENTERED THE INTERVIEW ROOM.

I ADVISED THEM CONCERNING MY SUSPICIONS.

Q. DID YOU ADVISE THEM OF YOUR SUSPICIONS IN FRONT OF MR. STANSBURY OR PRIOR TO ENTERING THE ROOM?

A. I THINK PRIOR TO ENTERING THE ROOM.

Q. AND WHEN YOU ADVISED THEM OF WHAT THE SUSPICIONS - WHAT WERE THOSE SUSPICIONS, OFFICER?

A. THAT MR. STANSBURY HAD TO BE CONSIDERED AS A SUSPECT IN THIS CASE.

Q. UP UNTIL THAT TIME, IT WAS NOT YOUR THOUGHT PROCESS NOR YOUR STATE OF MIND THAT MR. STANSBURY WAS TO BE CONSIDERED A SUSPECT.

IS THAT CORRECT?

A. THAT'S CORRECT.

Q. NOW, AT THAT POINT IN TIME WHEN YOU REENTERED THE ROOM, DID THE OTHER OFFICER ALSO ENTER THE ROOM WITH YOU, RIORDAN AND PATTERSON?

A. RIORDAN AND PATTERSON, YES.

Q. WHAT QUESTIONS OR STATEMENTS WERE MADE TO MR. STANSBURY AT THAT TIME?

A. AT THAT TIME I BELIEVE IT WAS DETECTIVE RIORDAN WHO READ MR. STANSBURY HIS RIGHTS FOR MIRANDA.

Q. AND WHAT WAS MR. STANSBURY'S RESPONSE AS TO THOSE RIGHTS?

[2082] A. HE INVOKED.

Q. INDICATED THAT HE UNDERSTOOD THOSE STATEMENT BUT DID NOT WISH TO MAKE THE STATEMENTS?

A. YES.

Q. UNDERSTOOD THE RIGHTS BUT DID NOT WISH TO MAKE A STATEMENT?

A. YES.

Q. ANY OTHER QUESTIONS ASKED BY YOU OR ANY OF THE OTHER OFFICERS TO MR. STANSBURY AT THAT TIME?

A. NOT BY ME.

Q. HOW ABOUT THE OTHER TWO OFFICERS?

A. I LEFT THE ROOM, AND THEY WERE POSSIBLY - TO MY RECOLLECTION, THEY WERE IN THE ROOM. BRIEFLY AFTER MY DEPARTURE, BUT I DON'T THINK IT WAS TO ANY GREAT PERIOD OF TIME.

Q. ALL RIGHT, YOU AT LEAST DID NOT HEAR ANY FURTHER STATEMENTS BY MR. STANSBURY?

A. THAT'S CORRECT.

MR. BURNS: I HAVE NO FURTHER QUESTIONS OF THIS WITNESS.

THE COURT: YOU MAY CROSS.

CROSS-EXAMINATION +

BY MR. DAUGHERTY:

Q. LIEUTENANT JOHNSTON, WHEN YOU FIRST BEGIN INVESTIGATING THIS CASE, ON WHAT DATE?

A. APPROXIMATELY 3:30 IN THE MORNING ON THE 29TH.

[2083] Q. AND PRIOR TO YOUR CONTACT OF MR. STANSBURY, CAN YOU TELL US BASICALLY WHAT INFORMATION YOU HAD REGARDING A CRIME BEING COMMITTED?

A. I HAD OBVIOUSLY THE INFORMATION FROM THE CRIME SCENE REGARDING THE AREA AND THE FACT THAT THERE WAS A WITNESS THAT COULD ESTABLISH A TIME PERIOD, ACTUAL TIME OF THE DROPPING OF THE BODY, A DESCRIPTION ON A VEHICLE AND A RATHER BROAD DESCRIPTION OF A MALE ADULT.

[2084] Q. AND YOU AT LEAST HAD A SUSPICION THAT THAT PERSON WAS INVOLVED IN THE DEATH OF ROBYN JACKSON?

A. YES.

Q. WHAT WAS THE DESCRIPTION OF THE VEHICLE THAT YOU HAD?

A. IT WAS A LATE 60'S EARLY 70'S MID-SIZED AMERICAN MAKE AUTOMOBILE, TURQUOISE IN COLOR.

Q. WHAT WAS THE DESCRIPTION OF THE PERSON THAT YOU HAD?

A. THAT IT APPEARED TO BE A MALE ADULT AND EITHER LARGE FRAME OR TALL. THE PERSON WAS A BIG MAN, BUT HIS HEIGHT WAS QUESTIONED BY THE WITNESS BECAUSE HE COULD NOT ASCERTAIN WHEN HE WAS MAKING THE HEIGHT JUDGMENT, WHETHER THE MAN WAS STANDING ON THE SIDEWALK OR STANDING ON THE ROADWAY RIGHT ALONGSIDE THE CAR.

HE FELT THAT THE PERSON WAS PROBABLY SIX FEET TALL.

Q. AND WHAT ABOUT THE TIME FRAME WHEN THESE OBSERVATIONS WERE MADE?

A. 1:30 IN THE MORNING.

Q. NOW, WHAT INFORMATION DID YOU HAVE ABOUT ANY OCCURRENCES OR EVIDENCE REGARDING THE ACTUAL DISAPPEARANCE OF ROBYN JACKSON?

MR. BURNS: I'LL OBJECT AS BEING SOMEWHAT VAGUE.

I'LL WITHDRAW THE OBJECTION AT THIS POINT.

THE WITNESS: FROM BALDWIN PARK POLICE DEPARTMENT, THERE WAS INFORMATION THAT ROBYN JACKSON HAD DISAPPEARED SHORTLY AFTER LEAVING HER RESIDENCE ON THE PREVIOUS [2085] EVENING IN THE NEIGHBORHOOD OF 6:15.

BY MR. DAUGHERTY:

Q. DID YOU TALK TO ANY WITNESSES TO OBTAIN THE INFORMATION THAT YOU'VE TOLD US ABOUT?

A. YES.

Q. WHO DID YOU TALK TO BEFORE YOU TALKED TO MR. STANSBURY?

MR. BURNS: EXCUSE ME, YOUR HONOR.

MAY I HAVE JUST A SHORT BREAK HERE? THERE'S A WITNESS ON THE PHONE THAT I BELIEVE THE DEFENSE WAS INTERESTED IN. I'D LIKE THE [sic] MAKE CONTACT WITH HIM AT THIS TIME.

THE COURT: THANK YOU, YOU MAY.

MR. BURNS: YOUR HONOR, FOR THE RECORD I JUST MADE CONTACT WITH A PERSON BY THE NAME OF WILLIE MILLER, WORKING SHERIFF INFORMATION BUREAU INDICATING SHE'LL BE HERE TOMORROW.

THE COURT: THANK YOU.

MR. BURNS: CAN I HAVE THE LAST QUESTION AND ANSWER READ BACK, PLEASE.

THE COURT: WOULD YOU PLEASE, NORMA.

(THE LAST QUESTION WAS READ BACK.)

THE WITNESS: QUITE A NUMBER OF PEOPLE. I WOULD NOT BE ABLE TO TELL YOU EVERY PERSON I SPOKE TO.

BY MR. DAUGHERTY:

Q. DID YOU TALK TO SOME CIVILIAN WITNESSES IN [2086] THE AREA WHERE ROBYN JACKSON LIVED?

A. YES.

Q. CAN YOU RECALL ANY OF THE PERSONS YOU TALKED TO?

A. WE CANVASSED THE NEIGHBORHOOD TWICE, PERSONS THAT - THERE'S A WOMAN THAT WAS LEFT IN CHARGE OF ROBYN JACKSON, MARY - I CAN'T REMEMBER HER NAME.

Q. FRIZZELL?

A. YES. AND THERE WAS A JEREMY RAMOS. THERE WERE A NUMBER OF CHILDREN AS WELL AS A NUMBER OF NEIGHBORS.

Q. DID YOU FORM A THEORY THAT ROBYN JACKSON WAS ABDUCTED FROM THE AREA AROUND HER HOUSE, AROUND THE SCHOOL PLAYGROUND THAT DAY?

A. YES.

Q. AND YOU FORMED THAT THEORY WELL BEFORE AN INTERVIEW WITH MR. STANSBURY?

A. YES.

Q. WHAT INFORMATION DID YOU HAVE WHICH LED YOU TO ICE CREAM TRUCK DRIVERS AT ALL?

MR. BURNS: OBJECTION, YOUR HONOR.

I'LL NOT SURE THERE'S BEEN - ASSUMES FACTS NOT IN EVIDENCE, I'M NOT SURE THERE'S BEEN ANY TESTIMONY THAT AT THE TIME THEY MET MR. STANSBURY THEY BELIEVED THAT AN ICE CREAM TRUCK MAN WAS NECESSARILY INVOLVED.

THE COURT: LET HIM INQUIRE.

OVERRULED.

DO YOU UNDERSTAND THE QUESTION?

[2087] THE WITNESS: IT'S BROAD. I WILL ATTEMPT TO ANSWER IT, SIR.

THERE WERE A NUMBER OF POSSIBILITIES THAT WE WERE PURSUING AT ANY GIVEN TIME. ONE OF WHICH WAS THE POSSIBILITY OF AN ICE CREAM TRUCK BECAUSE SHE HAD BEEN SEEN TALKING TO SOMEBODY IN AN ICE CREAM TRUCK EARLIER THAT - LATE IN THE AFTERNOON BUT EARLIER THAN THE TIME OF DISAPPEARANCE. BY MR. DAUGHERTY:

Q. YOU HAD INFORMATION THAT THE LAST PERSON SHE WAS SEEN WITH WAS AN ICE CREAM TRUCK DRIVER?

A. NOT THE LAST PERSON.

Q. DIDN'T JEREMY RAMOS TELL YOU THAT THE LAST PERSON HE SAW HER WITH WAS AN ICE CREAM TRUCK DRIVER ABOUT 6:30 IN THE EVENING?

A. I THINK JEREMY RAMOS SAW HER GOING IN THE DIRECTION OF AN ICE CREAM TRUCK, I DON'T

KNOW THAT HE EVER GOT TO THE POINT OF SAYING HE ACTUALLY SAW COMMUNICATIONS BETWEEN THE VICTIM AND AN ICE CREAM TRUCK OCCUPANT AT 6:30. IT WAS ONE IN THE VICINITY APPROACHING APPARENTLY ROBYN JACKSON'S -

Q. DID ANYONE EVER TELL YOU - IS THERE ANY WITNESS WHO EVER TOLD YOU THAT THEY SAW ROBYN JACKSON TALKING WITH AN ICE CREAM TRUCK DRIVER LATE IN THE EVENING?

MR. BURNS: OBJECTION, YOUR HONOR. VAGUE AS TO POINT IN TIME.

WE'RE TALKING AT SOMETIME PRIOR TO THE [2088] INTERVIEW WITH MR. STANSBURY OR AT SOME SUBSEQUENT POINT?

THE COURT: SUSTAINED.

BY MR. DAUGHERTY:

Q. IS THERE ANY CIVILIAN WITNESS THAT YOU TALKED TO BEFORE YOUR CONVERSATION WITH MR. STANSBURY WHO TOLD YOU THEY SAW ROBYN JACKSON TALKING TO AN ICE CREAM TRUCK DRIVER THE AFTERNOON OF THE 28TH OF SEPTEMBER?

A. I CANNOT STATE POSITIVELY IN REFERENCE TO ITS RELATIONSHIP TO MY TALKING TO MR. STANSBURY. I KNOW THAT I WAS TOLD THAT BUT WHETHER OR NOT I WAS TOLD THAT THE AFTERNOON OF THE 29TH I CANNOT RECALL.

Q. BUT DIDN'T JEREMY RAMOS TELL YOU ABOUT A PREARRANGED MEETING WITH AN ICE

CREAM TRUCK DRIVER, WHO WAS A MALE WITH RED HAIR AND A BUSHY BEARD?

A. YES.

BUT AGAIN, I DON'T - WE SPOKE TO JEREMY RAMOS ON A NUMBER OF DATES.

RAMOS' SPECIFIC INFORMATION RELATIVE TO ANY PARTICULAR INTERVIEW IS DIFFICULT TO RECALL.

Q. WHAT I'M TRYING TO GET AT IS THE INFORMATION YOU HAVE FROM SOME CIVILIAN WITNESSES REGARDING AN ICE CREAM TRUCK DRIVER.

YOU MADE CONTACT WITH MORE THAN ONE ICE CREAM TRUCK DRIVER?

A. YES, SIR.

Q. WHY DID YOU MAKE CONTACT WITH ANY ICE CREAM TRUCK DRIVER AT ALL?

A. BECAUSE THEY HAD BEEN IN THE AREA.

[2089] Q. DID YOU HAVE ANY INFORMATION SPECIFICALLY ABOUT A MAN WITH RED HAIR AND A BUSHY BEARD?

A. YES.

Q. WHAT INFORMATION HAD YOU RECEIVED?

A. I DON'T KNOW THAT I HAD THAT INFORMATION ON THE 29TH.

I HAD INFORMATION REGARDING A WHITE MALE AND A BLACK MALE, A WHITE TRUCK AND A

BLUE TRUCK, AS TO THE SPECIFIC DESCRIPTION OF MR. STANSBURY ON THE 29TH FROM WITNESSES, I CAN'T STATE THAT I ACTUALLY HAD THAT INFORMATION.

Q. DO YOU REMEMBER TALKING TO SHARON SANCHEZ?

A. YES.

Q. THE VICTIM'S MOTHER?

A. YES.

Q. THE LADY WHO'S HERE IN COURT. DO YOU REMEMBER WHEN THAT FIRST CONVERSATION TOOK PLACE?

A. MY FIRST - NO, IT WOULD BE ON THE 29TH BUT I COULDN'T TELL YOU WHAT TIME OF DAY.

Q. YOU TALKED TO MR. STANSBURY AT WHAT TIME ON THE 29TH?

A. THAT WAS AROUND 2300 - 11:00 P.M.

Q. WAS IT BEFORE 11:00 P.M.?

A. YES.

Q. SO THE CONVERSATION YOU HAD WITH SHARON SANCHEZ ON THE 29TH WAS BEFORE YOU CONTACTED MR. STANSBURY?

[2090] A. YES.

Q. DO YOU RECALL THE INFORMATION SHE GAVE YOU REGARDING AN ICE CREAM TRUCK DRIVER?

A. NOT AT THIS TIME.

Q. DID YOU PREPARE A REPORT REGARDING THE CONVERSATION YOU HAD WITH HER?

A. I BELIEVE SO, YES.

Q. WOULD IT HELP AT ALL, YOU THINK, TO REFER TO THAT?

A. YES.

Q. OKAY.

MR. DAUGHERTY: MAY I APPROACH, YOUR HONOR?

THE COURT: YES, YOU MAY.

MR. DAUGHERTY: YOUR HONOR, WILL THE RECORD REFLECT I HAVE GIVEN LIEUTENANT JOHNSTON TWO PAGES OF SHERIFF'S POLICE REPORTS, PAGE 10 AND PAGE 11 OF REPORTS DATED OCTOBER 2ND, 1992.

BY MR. DAUGHERTY:

Q. DO YOU RECOGNIZE THOSE REPORTS?

A. YES, SIR.

Q. ARE THOSE REPORTS OF THE CONVERSATIONS YOU HAD WITH SHARON SANCHEZ?

A. YES, SIR.

Q. I'LL GIVE YOU AN OPPORTUNITY TO REVIEW THOSE.

A. THANK YOU.

A. THANK YOU.

Q. DID SHARON SANCHEZ GIVE YOU ANY INFORMATION THAT YOU CONSIDERED SIGNIFICANT ABOUT ICE CREAM TRUCK [2091] DRIVERS?

A. SHE GAVE US SOME INFORMATION SHE HAD FROM JEREMY RAMOS, YES.

Q. WHAT DID YOU LEARN FROM HER?

A. SHE STATED THAT JEREMY RAMOS HAD TOLD HER THAT ROBYN JACKSON HAD GONE TO MEET AN ICE CREAM TRUCK DRIVER AND THAT HE WAS A WHITE MALE WITH RED HAIR AND A BUSHY BEARD.

Q. AND THIS WAS AFTER DINNER THAT NIGHT?

A. YES.

Q. ON THE 28TH?

A. YES.

THE COURT: THE RECORD SHOULD REFLECT THAT MR. ROBUSTO IS NOW HERE.

MR. ROBUSTO: THANK YOU, YOUR HONOR.
BY MR. DAUGHERTY:

Q. DID SHE TELL YOU THAT JEREMY HAD INDICATED THAT AFTER DINNER ROBYN HAD LEFT AND RETURNED TO THE SCHOOL GROUND AREA JUST WHEN IT WAS GETTING DARK TO MEET WITH THIS ICE CREAM MAN AGAIN?

A. YES

Q. AND THE DESCRIPTION OF THAT MAN WAS RED HAIR AND BUSHY RED BEARD?

A. MALE CAUCASIAN WITH BUSHY BEARD AND RED HAIR.

Q. DID YOU HAVE ANY INFORMATION FROM ANYBODY THAT THAT PARTICULAR ICE CREAM TRUCK DRIVER HAD BEEN PARTICULARLY FRIENDLY WITH ROBYN IN THE PAST, HAD SOME CONTACT WITH HER BEFORE?

[2092] A. I BELIEVE SO, YES.

Q. AND DID YOU TALK TO DON HELMER, THE YOUNG MAN IN THE NEIGHBORHOOD TOO, DID YOU NOT?

A. YES.

Q. AND DIDN'T HE INDICATE TO YOU THAT SOMETIME LATE THAT AFTERNOON, SOMETIME AROUND FIVE O'CLOCK IN THE AFTERNOON, THE LAST TIME HE SAW ROBYN JACKSON SHE WAS TALKING TO AN ICE CREAM TRUCK DRIVER?

A. I'M NOT SURE OF THE TIME, BUT I BELIEVE HE'S THE ONE THAT SAID THAT SHE WAS TALKING TO AN ICE CREAM TRUCK DRIVER, BEFORE HER GOING IN AND EATING.

Q. DIDN'T YOU CONSIDER THE POSSIBILITY THAT THERE WAS A POSSIBILITY THAT AN ICE CREAM TRUCK DRIVER HAD ABDUCTED ROBYN JACKSON?

A. CERTAINLY A POSSIBILITY.

Q. THEN AT SOME POINT IN TIME, YOU DECIDED TO CONTACT ROBERT STANSBURY?

A. YES.

Q. BEFORE YOU HAD THE CONVERSATION WITH HIM, HAD ANYBODY RUN A RAP SHEET ON HIM AT ALL?

A. YES, SIR.

Q. WHO HAD DONE THAT?

A. I HAD ASKED FOR IT TO BE DONE BY AN OFFICER FROM BALDWIN PARK POLICE DEPARTMENT.

Q. WHEN DID YOU ASK FOR THAT?

A. IT HAD TO BE LATE IN THE AFTERNOON OR EARLY IN THE EVENING OF THE 29TH.

Q. AND HOW DID YOU OBTAIN THE NAME ROBERT - I [2093] ASSUME YOU HAD THE NAME ROBERT STANSBURY BEFORE YOU CONTACTED HIM?

A. YES.

Q. HOW DID YOU ACTUALLY OBTAIN A NAME - STRIKE THAT. THE PEOPLE YOU TALKED TO IN THE NEIGHBORHOOD JUST SIMPLY GAVE YOU A DESCRIPTION OF A RED HAIR ICE CREAM TRUCK DRIVER, AND NO ONE ACTUALLY KNEW A FULL NAME OF THAT PERSON, IS THAT CORRECT?

A. THAT'S CORRECT.

Q. HOW DID YOU GO ABOUT GETTING THAT NAME?

A. WELL, I ADVISED BALDWIN PARK THAT I NEEDED TO ASCERTAIN THE NAME OR IDENTIFICATION OR ANY INFORMATION REGARDING ANY ICE CREAM TRUCK DRIVERS THAT MAY BE FREQUENT GO THE BALDWIN PARK AREA, CONSIDERING CITATIONS OR WHATEVER THAT MIGHT LEAD TO IT.

ONE PERSON CAME FORWARD AND INDICATED THAT HE HAD RECEIVED A CALL TO GO TO A RESIDENCE AT APPROXIMATELY 4:30 IN THE AFTERNOON, TO THE BEST OF MY RECOLLECTION, IN BALDWIN PARK ON THE AFTERNOON OF THE 28TH TO KEEP THE PEACE, AS IT WERE, BECAUSE AN ICE CREAM TRUCK DRIVER HAD BACKED INTO A FENCE AT A WOMAN'S PROPERTY.

HE RESPONDED TO THAT LOCATION, HE SAW THAT THE WOMAN GOT THE INFORMATION FOR THE DRIVER FOR THE PURPOSES OF HAVING HER FENCE REPAIRED, AND WHEN HE FOUND OUT THAT I WAS MAKING INQUIRIES REGARDING PERSONS THAT MAY HAVE BEEN IN THE AREA, HE RETURNED TO THAT LOCATION AND COPIED THE INFORMATION THAT MR. STANSBURY HAD GIVEN THAT [2094] WOMAN, HE THEN GAVE ME THAT INFORMATION.

Q. OKAY. AND SO AT SOME POINT IN TIME YOU ASKED SOMEBODY FROM BALDWIN PARK P.D. TO RUN A RAP SHEET ON MR. STANSBURY?

A. YES.

Q. DID YOU GET THAT INFORMATION BACK?

A. YES, I DID.

Q. WHEN DID YOU GET THAT BACK?

A. I GOT IT BACK WITHIN FIVE OR TEN MINUTES.

Q. SO WHAT TIME WAS THIS, APPROXIMATELY, IF YOU CAN GIVE US?

A. MY RECOLLECTION IS THIS ALL TOOK PLACE SOMEWHERE NEAR 6:00 OR 7:00 P.M.

Q. NOW, YOU HAD TALKED TO QUITE A FEW WITNESSES BEFORE 6:00 OR 7:00 P.M.?

A. YES.

Q. ON THE 29TH, YOU SPENT THE ENTIRE DAY ESSENTIALLY INVESTIGATING THE CRIME?

A. CANVASSED THE NEIGHBORHOOD TWICE.

Q. YOU INDICATED YOU TALKED TO DONALD HELMER. HE WAS A YOUNG MAN OF ABOUT 18 YEARS OF AGE?

A. TO THE BEST OF MY INFORMATION, YES.

Q. AND YOU TALKED TO A LOT OF OTHER NEIGHBORS, PEOPLE IN THE GENERAL AREA?

A. YES.

Q. TALKED TO PEOPLE - FOR INSTANCE, YOU TALKED TO MAYBE SHARON SANCHEZ' EX-HUSBAND?

[2095] A. I DON'T REMEMBER.

Q. DID YOU RUN ANY OTHER RAP SHEET BESIDES MR. STANSBURY ON THE 29TH?

A. YES.

Q. WHO ELSE DID YOU RUN?

A. WELL, AT THE SAME TIME I HAD - I ASKED THE RECORD CLERK I BELIEVE TO RUN STANSBURY AND ALSO RUN THIS YUSUF.

Q. TWO ICE CREAM TRUCK DRIVERS?

A. YES.

Q. OKAY. DID YOU AT THAT POINT IN TIME CONSIDER ONE OF THOSE ICE CREAM TRUCK DRIVERS MIGHT BE A POSSIBLE SUSPECT IN THIS CASE?

A. MIGHT BE A POSSIBLE? CERTAINLY.

Q. WHAT WAS THE PURPOSE IN RUNNING A RAP SHEET ON THEM.

DID YOU RUN ONE ON DONALD HELMER?

A. I KNOW WE RAN RAPS - THIS IS JUST FOR A AUTOMATED SYSTEM, IT'S NOT SENDING FOR THE WHOLE PACKAGE. IT'S ONE OF THOSE TOOLS.

A NUMBER OF PEOPLE BUT I CAN'T RECALL SPECIFICALLY WHO ELSE I DID A RECORD CHECK ON AND AT WHAT TIME, EXCEPT THAT I KNOW THAT I RAN OR HAD RUN STANSBURY AND THE YUSUF INDIVIDUAL AT THE SAME TIME AND THE IDENTIFICATION OF OTHER PERSONS AND THE TIME THAT I MADE INQUIRY REGARDING THEIR RECORD I CANNOT RECALL AT THIS TIME.

[2096] Q. OKAY.

FROM ANY OF THE RECORDS THAT YOU RAN, DID YOU GET ANYBODY BACK WITH ANY SIGNIFICANT CRIMINAL HISTORY?

A. NO.

Q. DID YOU GET ANYTHING BACK ON ROBERT STANSBURY?

A. IT INDICATED THAT IT WAS NO HIT, AUTOMATED SYSTEM.

Q. YOU LATER HAD A CONVERSATION WITH MR. STANSBURY AT THE POMONA POLICE STATION?

A. YES.

Q. CAN YOU TELL ME SPECIFICALLY WHERE THAT INTERVIEW ROOM IS LOCATED?

A. IT'S LOCATED ON THE GROUND FLOOR AND I WOULD SAY IT WOULD BE IN PROXIMITY TO THE BOOKING AREA OF THE POMONA JAIL.

Q. ARE YOU FAMILIAR WITH THE POMONA JAIL FACILITIES?

A. NO.

Q. HAVE YOU CONDUCTED INTERVIEWS THERE ON MORE THAN ONE OCCASION?

A. I HAD - NO, I NEVER CONDUCTED ANY INTERVIEWS IN THAT FACILITY.

Q. HAVE YOU SINCE THAT DATE?

A. I'VE BEEN BACK IN THAT FACILITY BUT I CAN'T RECALL THAT I HAD ANY INTERVIEW THERE.

Q. WAS THERE A POMONA POLICE OFFICER PRESENT DURING THE INTERVIEW?

[2097] A. NO.

Q. THERE ARE INTERVIEW ROOMS IN OTHER PARTS OF THAT JAIL, ARE THERE NOT?

A. THERE IS INTERVIEW ROOMS IN OTHER PORTIONS OF THE FACILITY.

Q. YES.

A. WHETHER THERE'S INTERVIEW ROOMS IN OTHER PORTIONS OF THAT JAIL. I DO NOT KNOW.

I THINK - AS I RECALL, THERE'S MORE THAN ONE INTERVIEW ROOM WHERE WE WERE, PLUS A NUMBER OF INTERVIEW ROOMS UPSTAIRS.

Q. CAN YOU DESCRIBE THE LAYOUT THERE, THE PHYSICAL PLANT WHERE - THE GENERAL AREA WHERE YOU CONDUCTED THE INTERVIEW.

WHAT IS LOCATED IN THAT IN THAT GENERAL AREA OF THE JAIL?

A. IT'S RIGHT AT WHAT WE WOULD CALL THE BOOKING CAGE, I GUESS, WHICH IS IMMEDIATELY ADJACENT TO AN EXTERIOR DOOR.

AND THERE'S ALSO AN INTERIOR DOOR TO THE REMAINDER OF THE FACILITY THAT'S IN CLOSE PROXIMITY.

AS I RECALL, THE ONLY TIME I WAS IN THERE WAS THAT EVENING. AND IT SEEMS TO ME LIKE ACROSS THE CORRIDOR AND MAYBE SLIGHTLY UP

THE HALLWAY IS WHERE THE ACTUAL BOOKING TANK WOULD BE, WHICH WOULD BE ALMOST IMMEDIATELY WITHIN THE EXTERIOR DOOR.

BUT THAT'S -

Q. AREN'T THERE INTERVIEW ROOMS UPSTAIRS IN THE [2098] ACTUAL POLICE DEPARTMENT?

A. YES.

Q. WHY DID YOU NOT USE ONE OF THOSE?

A. WE DID. WE WENT IN THE FACILITY THROUGH THE FRONT DOOR WITH YUSUF, MY PARTNERS AND MYSELF.

IT CAUSED QUITE A BIT OF DIFFICULTY BECAUSE THERE IS NOBODY UPSTAIRS IN THE POMONA POLICE DEPARTMENT AFTER FIVE O'CLOCK AT NIGHT.

SO THERE WAS SOME DIFFICULTY IN ACCESSING A KEY, GETTING PERMISSION. ONE OF THE REASONS WE HAD ONLY JUST BEGUN INTERVIEWING YUSUF WHEN WE WERE ADVISED MR. STANSBURY WAS DOWNSTAIRS WAS THE DELAY IN GETTING PERMISSION TO GO UPSTAIRS, FINDING A KEY TO GO UPSTAIRS AND IT SEEMED MORE CONSIDERATE OF MR. STANSBURY TO COME TO HIM THAN TO MOVE HIM AROUND THE FACILITY ANYMORE.

Q. WHERE DID YOU INTERVIEW YUSUF?

A. UPSTAIRS IN ONE OF THE INTERVIEW ROOMS OFF THE INVESTIGATIVE BUREAU.

Q. DID YOU ADVISE YUSUF OF HIS RIGHTS PRIOR TO OBTAINING A STATEMENT FROM HIM?

A. I WAS THERE ONLY AT THE BEGINNING AND HE WAS NOT ADVISED OF HIS RIGHTS.

Q. YOU WERE ACTUALLY PRESENT WHEN YUSUF WAS INITIALLY CONTACTED BY POLICE OFFICERS?

A. YES, SIR.

Q. WERE YOU PRESENT ON THE INITIAL ENTRY IN YUSUF'S APARTMENT?

A. YES, SIR.

[2099] Q. CAN YOU TELL US WHAT OCCURRED AT THAT LOCATION AS FAR AS THE CONTACT OF MR. NYANGANIRA?

A. WE KNOCKED ON THE DOOR AND IDENTIFIED OURSELVES, THE PERSON INSIDE DIDN'T WANT TO OPEN THE DOOR INITIALLY AND IT WAS A FEMALE VOICE. WHAT'S THIS ABOUT? KIND OF QUESTIONS THROUGH THE DOOR.

AND I FINALLY CONVINCED HER THAT SHE SHOULD OPEN THE DOOR AND SEE THE IDENTIFICATION AND WE COULD MORE READILY CONVERSE BECAUSE WE'RE IN AN APARTMENT COMPLEX, WHICH WAS ONLY CALLING ATTENTION TO THE OCCUPANTS OF THAT APARTMENT, US KNOCKING ON THE DOOR.

SO THIS WOMAN ANSWERED THE DOOR. SHE OPENED THE DOOR FINALLY AND I IDENTIFIED

MYSELF AND I TOLD HER THAT WE WERE LOOKING TO CONTACT YUSUF - I'M NOT EVEN GOING TO TRY TO PRONOUNCE HIS LAST NAME. I THINK WE ALL UNDERSTAND WHO I'M REFERRING TO.

AND SHE TOLD ME THAT HE WAS NOT THERE, BUT HER BEHAVIOR WAS SUSPICIOUS.

Q. NOW, YUSUF WAS NOT A SUSPECT IN THIS CASE EITHER, WAS HE?

A. NO.

Q. WOULD YOU RATE HIM BASICALLY ON THE SAME FOOTING YOU WOULD MR. STANSBURY AT THAT POINT IN TIME AT LEAST?

A. YES.

Q. ALL RIGHT.

YOU INDICATED SHE SAID, THE FEMALE OCCUPANT INDICATED THAT YUSUF WAS NOT IN THE APARTMENT?

[2100] A. YES.

Q. BUT HER BEHAVIOR WAS SOMEWHAT SUSPICIOUS?

A. YES.

Q. AND CAN YOU TELL ME HOW IT WAS SUSPICIOUS?

A. WELL, I CAN'T DESCRIBE IT SPECIFICALLY, BUT BASED ON MY EXPERIENCE, I KNEW SHE WAS LYING OR FELT SHE WAS LYING.

Q. ALL RIGHT. SO WHAT DID YOU DO?

A. I LOOKED AROUND THE ROOM. I DID NOT GO INTO THE FACILITY. I WAS ABLE TO SEE FROM MY POSITION AT THE DOORWAY THAT THERE WAS A SET OF CAR KEYS AND A WATCH ON A COUNTER IMMEDIATELY INSIDE THE DOOR.

I ASKED HER IF SHE DROVE AND SHE INDICATED SHE DID NOT DRIVE. I ASKED HER IF SHE WAS ABLE TO DRIVE AND SHE SAID NO. I ASKED HER IF SHE HAD A CAR AND SHE SAID NO.

I ASKED HER IF SHE HAD A WATCH AND SHE SHOWED ME HER WATCH. I INDICATED THAT THERE WAS KEYS TO A CAR, IT APPEARED TO ME AND WHAT APPEARED TO BE A MAN'S WATCH ON THE COUNTER.

WELL, HER BEHAVIOR THEN FURTHER CONFIRMED THAT YUSUF FOR SOME REASON OR OTHER WAS CONCEALING HIMSELF WITHIN THE FACILITY.

Q. WHAT DID YOU DO AT THAT POINT?

A. I DIRECTED SOME OF THE OFFICERS WITH ME, I DON'T REMEMBER SPECIFICALLY WHO, THAT HE WAS PROBABLY IN THE BEDROOM. IT - IT APPEARED TO BE THREE-ROOM [2101] APARTMENT, VERY SMALL APARTMENT. AND I DIRECTED THE OFFICERS INTO THE BEDROOM BECAUSE I FELT HE WAS IN THERE. IF THAT SAME SITUATION HAD EXISTED WITH MR. STANSBURY, WOULD YOU HAVE DONE THE SAME THING?

MR. BURNS: OBJECTION, YOUR HONOR, VAGUE.

I'M NOT SURE I UNDERSTAND WHAT THE RELEVANCY OR THE INTENT OF THE QUESTION IS.

THE COURT: SPECULATIVE, SUSTAINED.

BY MR. DAUGHERTY:

Q. WHAT HAPPENED? YOU WENT INSIDE THE APARTMENT AND WAS YUSUF HIDING OR WAS HE SLEEPING OR?

A. HE APPEARED TO BE SLEEPING ON THE BED.

Q. DID YOU AROUSE HIM OR SOMEONE AROUSE HIM?

A. YES.

Q. THEN HE WAS INVITED DOWN TO THE POLICE DEPARTMENT?

A. YES.

Q. NOW, IF - STRIKE THAT. SO YOU INTERVIEWED YUSUF UP IN THE POMONA POLICE DEPARTMENT SECTION, NOT IN THE JAIL?

A. THAT'S CORRECT.

Q. DID YOU COMPLETE YOUR INTERVIEW WITH HIM BEFORE YOU WENT TO SEE MR. STANSBURY?

A. NO.

Q. DID SOMEONE ELSE COMPLETE THE INTERVIEW?

A. YES. SERGEANT PATTERSON AND DEPUTY RIORDAN CONTINUED THE INTERVIEW WITH YUSUF WHEN I WENT DOWNSTAIRS.

Q. YOU WENT DOWNSTAIRS AND WHAT DID YOU SEE WHEN [2102] YOU WENT DOWNSTAIRS REGARDING MR. STANSBURY?

A. I SAW HE WAS SEATED IN AN INTERVIEW ROOM AND THAT DEPUTY - SERGEANT HIGGENBOTHAM AND THE OTHER BALDWIN PARK OFFICERS WERE THERE AWAITING MY ARRIVAL.

Q. NOW, BY THIS TIME, APPROXIMATELY WHAT TIME WAS IT?

A. I BELIEVE WE HAVE INDICATED ON THE REPORT THAT THE INTERVIEW BEGAN AT 2300 HOURS, SO THIS WOULD HAVE TO BE - I DID NOT DELAY IN GOING IMMEDIATELY INTO THE INTERVIEW ROOM.

Q. HOW BIG IS THIS INTERVIEW ROOM?

A. THIS WOULD ONLY BE TO THE BEST OF MY RECOLLECTION, BUT IT WAS FAIRLY - IT WAS LONG FOR AN INTERVIEW ROOM, AT LEAST LONGER THAN SOME WE HAVE IN OUR FACILITIES, BUT IT WAS NOT ANY WIDER, PER SE.

MY ESTIMATE WOULD BE THAT THE ROOM WAS MAYBE 10 FEET DEEP FROM THE DOORWAY BY 8 FEET, 8 BY 10, PROBABLY.

Q. THERE WAS A TABLE CONTAINED?

A. THERE WAS A TABLE AND THREE OR FOUR CHAIRS.

Q. DID YOU CLOSE THE DOOR TO THE INTERVIEW ROOM WHEN YOU WERE INSIDE?

A. I DON'T RECALL.

Q. WERE THERE MORE THAN ONE DOOR TO THE ROOM?

A. NO.

Q. DID THAT DOOR LOCK?

A. I DON'T KNOW.

Q. WHO ALL WAS PRESENT INSIDE THE ROOM WHEN THE [2103] INTERVIEW TOOK PLACE?

A. OFFICER BELL AND MYSELF AND MR. STANSBURY.

Q. NO OTHER OFFICERS WERE PRESENT?

A. THAT'S CORRECT.

Q. WERE YOU ALL SEATED?

A. CORRECT.

Q. ACROSS FROM EACH OTHER OR TABLE?

A. YES, OFFICER BELL AND MYSELF WERE ON ONE SIDE OF THE TABLE AND MR. STANSBURY WAS ON THE OTHER SIDE.

Q. WHAT WAS THE FIRST THING THAT YOU ASKED MR. STANSBURY AT THAT POINT?

A. I ASKED HIM IF HE WAS ROBERT STANSBURY. AND WHAT HIS RESIDENCE WAS, WHAT HIS AGE WAS. I, OF COURSE, IDENTIFIED MYSELF, IF I REMEMBER.

Q. DID YOU INDICATE TO HIM WHY YOU WANTED TO TALK TO HIM?

A. YES.

Q. WHAT DID YOU TELL HIM AT THAT TIME?

A. THAT WE WERE CONDUCTING AN INVESTIGATION REGARDING THE DISAPPEARANCE OF A YOUNG GIRL IN THE BALDWIN PARK AREA ON THE PREVIOUS DAY.

Q. AND DID HE SAY ANYTHING, MAKE ANY RESPONSE TO THAT?

A. HE JUST ACKNOWLEDGED -

Q. WHAT DID YOU ASK HIM AS FAR AS INFORMATION ABOUT THE ALLEGED OFFENSE?

A. I INDICATED THAT I WOULD LIKE TO DISCUSS WITH HIM HIS ACTIONS IN BALDWIN PARK FROM THE PREVIOUS DATE.

[2104] Q. WHAT WAS YOUR PURPOSE IN HAVING THE CONVERSATION WITH HIM AT THAT POINT? WHAT DID YOU THINK YOU MIGHT GET FROM HIM?

A. IDENTIFY WHETHER HE WAS A WITNESS. IDENTIFY IF HE WAS EVEN IN THE AREA IN A TIME THAT MIGHT CAUSE ME TO INVESTIGATE HIM FURTHER AS A SUSPECT.

Q. SO YOU ASKED HIM TO EXPLAIN WHAT HIS ACTIONS WERE IN BALDWIN PARK THE PREVIOUS DAY?

A. YES.

Q. AND WHAT DID HE SAY TO THAT?

A. WELL, I THINK INITIALLY I STARTED TO JUST FOCUS ON IF HE WAS ON PHELAN STREET ANYWHERE AROUND 6:00 P.M. ON THE PREVIOUS DAY.

AND THAT'S WHEN WE DETERMINED THAT THE ACTUAL NAME OF THE STREET WOULD NOT BE OF ANY VALUE SINCE HIS FAMILIARITY WITH STREET NAMES WAS MINIMAL. AND AS TO HIS TIME BEING IN CERTAIN AREA, THAT AGAIN WOULD JUST BE TO USE HIS WORD, A GUESSTIMATE.

SO IN ORDER TO FACILITATE THE CHRONOLOGICAL OCCURRENCE OF EVENTS ON THAT DAY, WE STARTED AT A TIME AND A LOCATION WHICH HE COULD MORE SPECIFICALLY REFERENCE AND THAT WAS THE BEGINNING OF HIS ROUTE AND THE AREA IN WHICH HIS ROUTE BEGAN.

Q. NOW, DID HE BASICALLY LAYOUT THE ENTIRE DAY FOR YOU UP TILL SIX O'CLOCK IN THE AFTERNOON OR DID YOU CONTINUE ASKING HIM SPECIFIC QUESTIONS?

A. NO, IT WAS FAIRLY NARRATIVE, PRETTY MUCH FLOWING.

[2105] Q. WHEN HE WAS TALKING ABOUT THE EARLY MORNING HOURS AND THE DAY UP TILL SIX O'CLOCK IN THE EVENING OR 6:30 IN THE EVENING, ABOUT HOW LONG DID THAT PART OF THE CONVERSATION TAKE?

A. I COULDNT REALLY SAY. BUT IT DOESN'T SEEM TO ME THAT IT TOOK A LONG TIME.

MR. BURNS: YOUR HONOR, MAY I HAVE JUST A SHORT BREAK. I HAVE A WITNESS THAT I

DON'T THINK WE'RE GOING TO BE ABLE TO GET TO TODAY.

THE COURT: YES.

10:30.

[2106] THE COURT: YOU MAY PROCEED, MR. DAUGHERTY. BY MR. DAUGHERTY:

Q. HOW LONG DID IT TAKE FOR THE DISCUSSION OF HIS ACTIONS UP UNTIL - DURING THAT PERIOD OF TIME, DID MR. STANSBURY EVER ASK YOU IF HE COULD LEAVE?

A. NO.

Q. GO TO THE BATHROOM, GET SOME CIGARETTES?

A. NO.

Q. DIDN'T HE EXPRESS SOME CONCERN ABOUT CIGARETTES, THAT HE HAD BEEN OUT OF CIGARETTES?

A. HE MAY HAVE ASKED IF WE HAD A CIGARETTE. BUT I DON'T SMOKE. HE MAY HAVE.

Q. DID HE EVER ASK IF HE COULD GO GET A PACK OF CIGARETTES?

A. NO.

Q. NOW, DID YOU ASK HIM AT ANY POINT IN TIME ANYTHING MORE ABOUT WHO HE HAD SEEN OR WHAT HE HAD DONE AROUND 6 O'CLOCK IN THE NEIGHBORHOOD WITH ROBYN JACKSON? DID YOU ASK HIM ABOUT HIS ROUTE HOME?

A. YES.

Q. CAN YOU RECALL WHAT YOU SAID TO HIM REGARDING THAT?

A. WELL, MOST OF THE INFORMATION CONCERNING HIS ROUTE OF TRAVEL WAS NARRATED.

IT WAS NOT ANYTHING I SAID TO HIM. HE PRETTY MUCH VOLUNTEERED HIS ROUTE AND THE FACT THAT HE STOPPED FOR GASOLINE AND ABOUT WHAT TIME HE GOT HOME, BASED ON HOW HIS TRUCK WAS PERFORMING, AND HE - WE DISCUSSED ARROW [2107] HIGHWAY VERSUS GOING OVER KELLOGG HILL.

Q. NOW AT THAT POINT IN TIME, WERE YOU ASKING HIM ANY QUESTIONS REGARDING HIS ROUTE HOME, OR WAS THAT JUST SOMETHING HE WAS JUST VOLUNTARILY TALKING ABOUT?

A. VOLUNTARILY TALKING ABOUT, YES.

Q. DIDN'T YOU ASK HIM ANYTHING SPECIFICALLY ABOUT WHAT GAS STATION HE WENT TO?

A. WELL, HE SAID HE STOPPED FOR GAS, AND I ASKED HIM IF HE RECALLED WHERE OR WHAT SERVICE STATION IT WAS, WHERE IT WAS LOCATED.

AND HE SAYS NO, HE DOESN'T KNOW THE STREET, OR THE NEAREST INTERSECTION OR THE ADDRESS OR EVEN THE NAME OF THE SERVICE STATION EXCEPT THAT IT WAS REAL - JUST RIGHT OFF THE STREET AND THAT THE CASHIERS' BOOTH WAS IMMEDIATELY IN THE PUMP AREA.

Q. WAS THAT SOMEWHAT OF A CASUAL CONVERSATION, OR A FAIRLY DETAILED CONVERSATION ABOUT HIS TRIP HOME AND HIS ROUTE AND WHAT HE DID ON HIS WAY HOME?

MR. BURNS: OBJECTION. WITHDRAW THE OBJECTION?

THE WITNESS: IT WAS FAIRLY CASUAL.

BY MR. DAUGHERTY:

Q. DID YOU ASK SOME QUESTIONS ABOUT IT?

A. INSTANCES RELATIVE TO TIME, YES.

Q. CAN YOU RECALL ANY OF THOSE QUESTIONS RELATIVE TO TIME?

A. WELL, WHEN HE INDICATED THAT HE LEFT THE BALDWIN PARK AREA IN ROUTE HOME, I ASKED HIM IF HE COULD TELL ME ABOUT WHAT TIME THAT WAS.

[2108] THE INDICATED IT WAS ABOUT 6:30 OR 7:00 P.M.

THEN HE INDICATED HE TOOK SOME TIME TO GET HOME. HE HAD TO STOP FOR GAS.

HE HAD TO GO ON A ROUTE UNUSUAL FROM HIS ROUTE OF TRAVEL. SO IT TOOK SOMETIME TO GET HOME.

FOLLOWING THAT I ASKED HIM DOES HE HAVE ANY IDEA WHAT TIME IT WAS THAT HE ARRIVED HOME.

Q. WHY DID YOU ASK THAT QUESTION?

IF HE WERE SIMPLY A WITNESS TO THE EVENT OR TO WHAT HE MIGHT HAVE SEEN AT THE BALDWIN PARK AREA AT 6 O'CLOCK IN THE AFTERNOON, WHY DID YOU ASK HIM THAT?

AT THAT POINT, WAS HE BECOMING SOMEWHAT OF A SUSPECT PERHAPS?

A. NO. ANY TIME YOU'RE INTERVIEWING A PERSON, THE POSSIBILITY OF A FUTURE NEED TO VERIFY PART OR A PORTION OF AN INTERVIEW EXISTS.

SO I ALWAYS, AS A MATTER OF COURSE, ATTEMPT TO GET SOMETHING THAT WILL SERVE AS A RECOLLECTION POINT OR REFERENCE POINT FOR A WITNESS IN RECALLING HIS INFORMATION PROVIDED TO ME AT A LATER DATE.

Q. TELL ME ABOUT THE CONVERSATION YOU HAD WITH HIM REGARDING THE GAS STATION.

A. IT WAS MERELY THAT, THAT HE SAID HE STOPPED FOR GAS.

AND I ASKED HIM WHERE HE STOPPED FOR GAS; WHAT KIND OF A SERVICE STATION IT WAS.

AND HE STATED THAT IT WAS PROBABLY DOWN THE ROAD FROM BALDWIN PARK ON ARROW HIGHWAY.

[2109] HE DOESN'T KNOW THE CROSS STREET. IT WAS A SERVICE STATION.

IT WAS NOT A MAJOR SERVICE STATION. IT WAS NOT ONE OF THOSE STANDARD ONES WHERE YOU

HAVE THE PUMP UP IN FRONT AND THE CASHIER'S BOOTH IN THE BACK.

IT WAS A SERVE YOURSELF AND DISCOUNT TYPE.

Q. DID YOU ASK HIM ANY QUESTIONS ABOUT THAT SERVICE STATION?

A. JUST IF HE KNEW WHAT KIND OF SERVICE STATION IT WAS.

Q. WHY WAS THAT IMPORTANT AT THAT POINT IN TIME?

A. IF IT WAS NECESSARY TO VERIFY ANY STATEMENTS OF HIS AT A FUTURE TIME.

Q. WAS THAT BECAUSE YOU FELT THAT YOU MIGHT HAVE TO VERIFY THAT TO SEE IF HE WAS TELLING THE TRUTH ABOUT WHERE HE WENT AFTERWARDS?

A. IT'S ALWAYS A POSSIBILITY.

Q. DID YOU THINK THAT AT THAT TIME?

A. I WASN'T ATTEMPTING TO ESTABLISH MR. STANSBURY WAS LYING TO ME AT THAT TIME.

Q. DID YOU BELIEVE HIS STATEMENT TO YOU AT THAT POINT IN TIME?

A. YES.

Q. NOW DID YOU ASK HIM - AT SOME POINT IN TIME YOU ASKED HIM ABOUT A VEHICLE OTHER THAN THE ICE CREAM TRUCK, ANOTHER KIND OF VEHICLE THAT HE MAY HAVE DRIVEN?

A. YES.

Q. WHAT DID YOU ASK HIM ABOUT THAT?

[2110] A. OTHER VEHICLES WERE DISCUSSED AT TWO POINTS, I BELIEVE, IN THE INTERVIEW. INITIALLY IN REFERENCE TO PEOPLE THAT HE LIVED WITH, ONE BEING HIS UNCLE.

WHEN HE MENTIONED HE HAD AN UNCLE, I ASKED FOR THE DESCRIPTION OF THAT VEHICLE.

AND NEAR THE END OF THE INTERVIEW IS WHEN I BECAME CURIOUS AS TO THE DESCRIPTION OF THE LUCAS VEHICLE WHICH IS THE ONE HE INDICATED HE BORROWED THAT PARTICULAR NIGHT IN QUESTION.

Q. HOW DID HE FIRST INDICATE THAT, THAT HE HAD DRIVEN ANY OTHER VEHICLE OTHER THAN THE ICE CREAM TRUCK?

A. HE TOLD ME WHEN HE HAD BEEN ASLEEP IN THE TRAILER AND LUCAS HAD RETURNED HOME, HE ASKED LUCAS IF HE COULD BORROW HIS CAR.

I NEVER MADE AN INQUIRY WHETHER HE WENT BACK OUT THAT EVENING.

Q. HE SAID HE HAD BORROWED LUCAS' CAR?

A. YES, TO GO GET SOMETHING TO EAT.

Q. NOW, WHEN YOU HEARD THAT, DID HE TELL YOU - HAD HE TOLD YOU ABOUT WHAT TIME HE BORROWED LUCAS' CAR TO GET SOMETHING TO EAT?

A. YES.

Q. DID HE TELL YOU THAT IN RESPONSE TO A QUESTION OF YOURS OR VOLUNTARILY?

A. HE VOLUNTEERED THAT - WELL, IT WAS SHORTLY AFTER LUCAS RETURNED HOME, AND HE TOLD ME THAT LUCAS RETURNED HOME AT ABOUT MIDNIGHT.

Q. AT THAT POINT IN TIME, DID YOU ASK MR. [2111] STANSBURY FOR A DESCRIPTION OF THE VEHICLE WHICH HE BORROWED AT MIDNIGHT ON THE 28TH?

A. NOT AT THAT TIME, NO.

Q. DID YOU EVER ASK HIM, MR. STANSBURY, FOR A DESCRIPTION OF THE LUCAS VEHICLE?

A. YES, SIR.

Q. WHEN DID THAT OCCUR?

A. AT THE END OF THE INTERVIEW.

Q. NOW, AT THE POINT YOU ASKED THAT QUESTION. WHY DID YOU ASK THE QUESTION THEN?

YOU KNEW HE HAD BORROWED A VEHICLE AT 12 O'CLOCK AT NIGHT.

DIDN'T YOU ALSO KNOW AT THE SAME TIME TIME THERE WAS A SUSPECT VEHICLE THAT HAD BEEN SEEN AFTER 12 O'CLOCK THAT NIGHT, 1:30 IN THE MORNING?

A. YES.

Q. DID YOU THINK THAT MIGHT BE THE SAME VEHICLE?

A. YES.

Q. YOU HAD A DESCRIPTION OF THE VEHICLE THAT WAS SEEN BY -

MR. BURNS: OBJECTION, YOUR HONOR. THE QUESTION IS VAGUE.

MR. DAUGHERTY: I HAVEN'T ASKED IT YET.

MR. BURNS: I WOULD - THANK YOU, COUNSEL.

I'M OBJECTING TO THE QUESTION BEFORE, WHICH MORE PROPERLY SHOULD BE A MOTION TO STRIKE THE ANSWER.

THE QUESTION BEFORE WAS WHEN YOU GOT THE DESCRIPTION, DID YOU THINK THE TWO MIGHT BE THE SAME? [2112] AND IT'S VAGUE AS TO POINT IN TIME, AS WHEN HE HEARD THE DEFENDANT DESCRIBE THE VEHICLE HE DROVE, DID HE BELIEVE IT MIGHT BE THE SAME, OR WHEN THE DEFENDANT SAID DID HE DRIVE ANY VEHICLE, DID HE SAY IT WOULD BE THE SAME.

IT WOULD BE AMBIGUOUS, AND I WOULD MOVE TO STRIKE THE ANSWER.

THE COURT: GRANTED.

WE'LL BE IN RECESS UNTIL 10:30 TOMORROW MORNING.

THANK YOU, SIR.

(AT 4:15 P.M., AN ADJOURNMENT WAS TAKEN UNTIL WEDNESDAY, OCTOBER 31, 1984, AT 10:30 A.M.)

[2113] THE COURT: MATTER OF PEOPLE VERSUS STANSBURY.

THE RECORD SHOULD REFLECT THAT MR. BURNS, MR. ROUSTO, MR. DAUGHERTY, AND MR. STANSBURY ARE PRESENT.

I BELIEVE THAT MR. DAUGHERTY WAS CROSS EXAMINING OFFICER JOHNSTON, AS I RECALL.

THOMAS JOHNSTON, +

WITNESS, RESUMES STAND AND TESTIFIES FURTHER AS FOLLOWS:

MR. DAUGHERTY: YES.

JUST A MOMENT, YOUR HONOR.

(COUNSEL AND HIS CLIENT CONFER IN SOTTO VOCE.)

CROSS-EXAMINATION + (CONT'D)

BY MR. DAUGHERTY:

Q. LIEUTENANT JOHNSTON, AT ANY TIME PRIOR TO THE QUESTIONING OF MR. STANSBURY, WHICH STARTED ABOUT 11 O'CLOCK IN THE EVENING, DID YOU RECEIVE INFORMATION ABOUT HIS PAST RECORD?

A. NO.

Q. DID YOU AT ANY TIME DURING THE QUESTIONING PERIOD RECEIVE INFORMATION ABOUT MR. STANSBURY'S PAST RECORD?

A. OTHER THAN HIS RESPONSE TO MY QUESTION, NO.

Q. BEFORE YOU AT SOME POINT IN TIME HAD [2114] INDICATED YOU ASKED HIM ABOUT HIS PAST RECORD?

A. THAT'S CORRECT.

Q. BEFORE THAT POINT IN TIME IN THE CONVERSATION, HAD ANYBODY TOLD YOU ANYTHING ABOUT HIS PAST RECORD?

A. NO.

Q. YOU INDICATED THAT AROUND 6 O'CLOCK, SOMEWHERE BETWEEN SIX OR SEVEN O'CLOCK IN THE EVENING YOU HAD RUN A RAP SHEET ON MR. STANSBURY?

A. I HAD IT RUN, YES.

Q. AND AT THAT POINT IN TIME HE WAS AT LEAST ONE OF THE POSSIBLE SUSPECTS IN THE CASE?

A. NO.

Q. HOW DID YOU VIEW HIM AT THAT TIME?

A. POSSIBLE WITNESS. SOMEBODY THAT HAD POSSIBLY BEEN PRESENT IN THE AREA ON THAT PREVIOUS DAY.

Q. DIDN'T YOU CONSIDER THAT HE MIGHT BE A POSSIBLE SUSPECT, BEING IN THE AREA, SIX OR SEVEN IN THE EVENING?

A. THE TERMINOLOGY, POSSIBLE SUSPECT, COULD INCLUDE ANY PERSONS THAT HAD BEEN

PRESENT IN THE AREA ON THE DAY IN QUESTION UP UNTIL THE TIME THAT WE HAD INTERVIEWED THEM.

Q. YES. I HAD ASKED YOU DID YOU AT THAT POINT IN TIME, MEANING SIX OR SEVEN IN THE EVENING, CONSIDER ONE OF THOSE ICE CREAM TRUCK DRIVERS MIGHT BE A SUSPECT IN THE CASE? AND DIDN'T YOU SAY, MIGHT BE A POSSIBLE, CERTAINLY?

A. CERTAINLY.

[2115] Q. DID ANYTHING HAPPEN ~~BETWEEN~~ SIX AND SEVEN AT NIGHT AND 11 O'CLOCK AT NIGHT TO ADD TO YOUR FEELINGS THAT MR. STANSBURY, PARTICULARLY, OR AN ICE CREAM TRUCK DRIVER PARTICULARLY MIGHT BE A SUSPECT?

A. NO.

Q. DID YOU RECEIVE ANY FURTHER INFORMATION THAT MIGHT INDICATE TO YOU THAT AN ICE CREAM TRUCK DRIVER WAS INVOLVED IN THE CRIME DURING THAT TIME FRAME?

A. NO.

Q. YOU INDICATED THAT YOU STARTED HAVING A CONVERSATION WITH MR. STANSBURY AND THAT HE TALKED TO YOU ABOUT WHAT HAPPENED THE MORNING OF THE 28TH WHEN HE STARTED HIS ROUTES, WHERE HE HAD BEEN EARLIER IN THE MORNING AND EVENTUALLY ENDING UP IN BALDWYN PARK.

A. YES.

Q. AND HE TOLD YOU ABOUT HIS ACTIVITIES UP UNTIL 6:30 IN THE EVENING?

A. AND BEYOND.

Q. ORIGINALLY UP UNTIL 6:30 IN THE EVENING?

A. I DON'T BELIEVE THAT THERE WAS ANY INTERRUPTION OF THE INTERVIEW AT SIX IN THE EVENING.

WHEN HE CAME TO THAT PART, THE BEHAVIOR AND HIS ACTIONS THROUGH THE DAY MORE OR LESS WAS CONTINUOUS.

Q. AT THE TIME FRAME WHERE HE HAD TOLD YOU ABOUT THE DAY UP UNTIL 6:30 IN THE EVENING, AT THAT POINT IN TIME, WAS THERE ANYTHING ABOUT THAT TESTIMONY THAT MADE YOU FEEL PERHAPS HE WAS MORE LIKELY TO BE A SUSPECT OR NOT?

[2116] A. NO.

Q. WHEN YOU FIRST SAW MR. STANSBURY AND OBSERVED HIS SIZE, WEIGHT AND SO FORTH, THAT HE WAS A BIG MAN, DID IT GO THROUGH YOUR MIND THAT THAT CORRELATED WITH THE FACT THAT THERE WAS A LARGE MAN SEEN DUMPING THE BODY?

A. NO. I CAN'T SAY THAT, NO.

Q. YOU INDICATED THAT YOU HAD ASKED MR. STANSBURY SOME DETAILS ABOUT HIS ROUTE

HOME, WHAT STREETS HE TOOK AND THE GAS STATION HE STOPPED AT.

A. YES.

Q. NOW, THAT WASN'T TO OBTAIN INFORMATION AS A POSSIBLE WITNESS, WAS IT?

A. IT IS MY NORMAL PROCEDURE WHEN INTERVIEWING ANYBODY TO ATTEMPT TO DETERMINE SPECIFIC INFORMATION WHICH AT A LATER DATE MIGHT BE VERIFIABLE OR WILL TEST THE PERSON'S ABILITY TO RECALL.

Q. WAS THERE ANYTHING ABOUT THOSE STATEMENTS, EITHER WHAT HAPPENED DURING THE DAY OR OF HIS ROUTE HOME OR STOPPING AT A GAS STATION, THAT YOU FELT PERHAPS WERE SOMEWHAT UNTRUSTWORTHY OR WHETHER YOU PERHAPS SHOULD INQUIRE INTO THOSE AREAS?

A. NO.

Q. AND AT THAT POINT IN TIME WHEN HE WAS TALKING ABOUT THAT DAY AND THAT EVENING UNTIL HE GOT HOME IN POMONA, YOU HADN'T CHANGED YOUR ATTITUDE ABOUT HIM AT ALL?

A. NO.

Q. THEN HE INDICATED TO YOU HE TOOK A VEHICLE OUT SOMEWHERE AROUND 12 O'CLOCK AT NIGHT?

[2117] A. YES.

Q. YOU KNEW AT THAT POINT IN TIME THAT SOMEBODY WAS SEEN DUMPING A BODY IN A PARTICULARLY DESCRIBED VEHICLE?

A. YES.

Q. AND YOU ASKED MR. STANSBURY TO DESCRIBE THE VEHICLE THAT HE WAS IN?

A. NOT AT THAT TIME.

Q. YOU DID ASK HIM THAT QUESTION?

A. YES, I DID.

Q. AT WHAT POINT IN TIME DID YOU ASK HIM THAT?

A. AT THE END OF THE INTERVIEW.

Q. AND AT THAT POINT IN TIME, WHAT HAD YOU DISCUSSED OTHER THAN HIS ACTIVITIES UNTIL 12 O'CLOCK AT NIGHT?

A. WELL, ALL OF HIS ACTIVITIES ON THE DAY IN QUESTION AND AFTER 12 O'CLOCK AT NIGHT.

EVERYTHING THAT IS A PORTION OF WHAT I TESTIFIED TO ON DIRECT WAS DISCUSSED PRIOR TO THE DESCRIPTION BEING GIVEN TO ME OF THE VEHICLE THAT HE ACTUALLY USED THAT NIGHT.

Q. WHAT DID HE SAY ABOUT THAT VEHICLE BEFORE YOU ASKED THAT QUESTION?

A. ONLY THAT HE BORROWED A ROOMMATE'S VEHICLE. LUCAS' VEHICLE, HE REFERRED TO IT.

Q. AT THAT POINT IN TIME YOU ASKED HIM?

A. NO.

Q. WHAT MORE DID HE SAY AFTER THAT, BEFORE YOU [2118] ASKED THE QUESTION?

A. AFTER THAT, HE IDENTIFIED THE PHOTOGRAPH OF ROBYN JACKSON; INDICATED THAT HE HAD SPOKEN TO HER WITH ANOTHER YOUNG BOY AND ANOTHER GIRL.

AND THAT HE THEN HAD PROCEEDED DOWN THE ROAD TO WHERE HE SOLD THE ICE CREAM TO THE FOUR MEXICAN CHILDREN, HIS ROUTE OF TRAVEL OVER TO MAIN STREET, BACK TO THE WEST SIDE OF THE GETTYS SCHOOL, HIS OBSERVATIONS OF THE OTHER ICE CREAM TRUCK, THE DRIVER OF THE OTHER ICE CREAM TRUCK.

THAT PROBABLY WAS THE INFORMATION AFTER HIM REFERRING TO HAVING GONE OUT IN LUCAS' CAR.

Q. HE WAS GOING BACK OVER SOME OF THE DAY IN MORE DETAIL?

A. YES.

Q. EARLIER PART OF THE DAY?

A. YES.

Q. WHAT - OKAY, HE COMPLETED THAT.

THEN YOU ASKED HIM FOR A DESCRIPTION OF THE VEHICLE HE BORROWED?

A. I ASKED HIM WHAT VEHICLES WERE AVAILABLE TO HIM, WHAT VEHICLES EITHER MR. EASTERDAY OR MR. PARKER MIGHT HAVE SOMEWHERE

DURING THAT, BECAUSE MR. EASTERDAY, I BELIEVE, IS HIS UNCLE. AND THEREFORE, TAKING ANOTHER VEHICLE, MORE THAN LIKELY I WOULD SUSPECT THAT HE WOULD USE HIS UNCLE'S VEHICLE.

SO I ASKED HIM THE DESCRIPTION REGARDING HIS UNCLE'S VEHICLE.

[2119] Q. AND HE HAD ALREADY TOLD YOU HE HAD BORROWED A CAR, AND IT WAS LOREN LUCAS' VEHICLE?

A. YES.

Q. YOU ASKED HIM WHAT OTHER VEHICLES HE HAD ACCESS TO?

A. YES.

Q. WHAT WAS THE PURPOSE IN ASKING THAT QUESTION?

WEREN'T - AT THAT POINT IN TIME WEREN'T YOU TRYING TO OBTAIN INFORMATION THAT MIGHT TEND TO INCRIMINATE HIM?

MR. BURNS: OBJECTION, YOUR HONOR.

THE QUESTION AS FORMED IS NOT RELEVANT.

THE ONLY RELEVANT QUESTION AT THIS POINT IN TIME IS WHETHER OR NOT THE INVESTIGATION OF HIM TO SUCH A POINT STANSBURY - OR THE NOTION IN THE MIND OF THIS OFFICER WAS IN FACT THE PRIME SUSPECT IN THIS CASE. AND THAT THE INVESTIGATION WAS ZEROING IN ON HIM.

AND AS THE QUESTION IS FRAMED, WHAT WAS GOING ON IN THAT OFFICER'S MIND, IF HE

ANSWERED YES OR NO TO THAT QUESTION, IT WOULD NOT BE RELEVANT TO THAT ISSUE.

MR. DAUGHERTY: I DON'T THINK THERE'S ANY REQUIREMENT THAT MR. STANSBURY HAD TO BE THE PRIME SUSPECT THAT DAY, IF HE WAS GOING TO ELICIT AN INCRIMINATING STATEMENT AT THAT TIME.

THE COURT: OVERRULED, YOU MAY ANSWER.

THE WITNESS: I'D LIKE THE QUESTION REPEATED, PLEASE.

[2120] BY MR. DAUGHERTY:

Q. WHEN YOU ASKED THE QUESTION TO DESCRIBE THE VEHICLE THAT HE ACTUALLY TOOK OUT THAT NIGHT AND GIVE A DESCRIPTION, AT THAT POINT IN TIME DID YOU FEEL THAT THAT DESCRIPTION OF THAT VEHICLE MIGHT MATCH THE VEHICLE THAT THE WITNESS HAD SEEN?

A. YES.

Q. AND THAT'S ATTEMPTING TO - THAT WOULD BE ATTEMPTING TO OBTAIN AN ADMISSION OF GUILT?

A. NO.

Q. DID YOU CONSIDER HIM AT THAT POINT IN TIME MORE OF A SUSPECT THAN YOU HAD EARLIER, SIR?

A. AT THE TIME I ASKED THE QUESTION?

Q. AT THE TIME YOU ASKED FOR A DESCRIPTION OF THE VEHICLE HE TOOK OUT AT MIDNIGHT.

A. NO. NO HE DIDN'T REALLY BECOME A SUSPECT AT THAT TIME.

IT WAS A QUESTION THAT HAD TO BE ASKED. IT WAS CERTAINLY AN IMPORTANT PIECE OF INFORMATION.

THE POSSIBILITY OR THE EXPECTATION OF A RESPONSE TO A SIMILAR VEHICLE WAS NOT NECESSARILY A POSITION I COULD BE IN.

Q. YOU INDICATED YOU FELT THAT HE MIGHT GIVE YOU A DESCRIPTION THAT MATCHED THAT SAME VEHICLE?

A. IT WAS POSSIBLE.

Q. THE EXPECTATION OF THAT?

A. IT WAS POSSIBLE.

Q. WELL, AT THAT POINT IN TIME, HADN'T YOUR [2121] QUESTIONING GONE BEYOND QUESTIONING A WITNESS ABOUT A CRIME HE MAY HAVE SEEN THAT AFTERNOON?

A. WELL, IT CERTAINLY WAS NOT IN THE AREA OF THE DISAPPEARANCE.

Q. OR WHAT HE MIGHT HAVE SEEN THAT AFTERNOON IN BALDWIN PARK?

A. YES.

Q. WEREN'T YOU IN FACT HONING IN ON HIM AS A SUSPECT AT THAT POINT IN TIME?

A. IT WAS STILL IN THE NATURE OF OBTAINING SUFFICIENT INFORMATION TO MAKE A DETERMINATION REGARDING HIS - ANY EXPECTATION OF HIS INVOLVEMENT OF THE CRIME.

Q. AT THAT POINT IN TIME YOU ASKED HIM FOR A DESCRIPTION. DID HE GIVE YOU ONE?

A. YES.

Q. DID YOU HAVE ANY INFORMATION AS TO WHAT LOREN LUCAS' VEHICLE LOOKED LIKE?

A. NO.

Q. WHAT DID HE TELL YOU AS FAR AS THE DESCRIPTION OF THE VEHICLE?

A. HE TOLD ME IT WAS A CHEVELLE, THAT IT WAS AN OLDER MODEL, PERHAPS AROUND A '70, AND THAT IT WAS TURQUOISE IN COLOR.

Q. DID THAT HAVE ANY SIGNIFICANCE TO YOU, THAT ANSWER?

A. YES.

Q. WHAT SIGNIFICANCE DID THAT HAVE?

A. THE VEHICLE, COLOR, THE FACT THAT IT WAS AN [2122] AMERICAN MADE AUTOMOBILE, AND THE FACT THAT IT WAS OLDER.

THOSE THREE SPECIFIC ITEMS OF DESCRIPTION CAUSED ME TO BELIEVE THAT IT MAY IN FACT BE THE SAME VEHICLE THAT WAS WITNESSED BY ANDY ZIMMERMAN.

Q. ANDY ZIMMERMAN INDICATED HE SAW SOMEBODY IN THAT VEHICLE DUMP THE DECEASED'S BODY IN THIS CASE.

IS THAT CORRECT?

A. THAT'S CORRECT.

Q. AT THAT POINT IN TIME WHEN YOU RECEIVED THAT INFORMATION, DIDN'T MR. STANSBURY BECOME A SUSPECT IN YOUR EYES THEN?

A. YES, SIR.

Q. NOW, WHAT DID YOU DO AFTER THAT, AFTER YOU HEARD THAT INFORMATION?

A. I ASKED HIM IF HE HAD HAD ANY PREVIOUS RECORD.

Q. DID YOU ADVISE HIM OF HIS RIGHTS AT THAT POINT?

A. NO, SIR.

Q. DID YOU ASK HIM ANY FURTHER QUESTIONS BESIDES DID YOU HAVE ANY PREVIOUS RECORD?

A. ONLY ONE OTHER.

Q. WHAT WAS THAT?

A. AND I'M NOT SURE WHETHER I ASKED THAT QUESTION.

IT WAS AN OFFER TO HAVE A POLYGRAPH EXAMINATION ADMINISTERED.

Q. AND THAT WAS DONE AFTER THE STATEMENT AFTER [2123] IT?

A. YES.

Q. AFTER THE QUESTION REGARDING HIS PAST RECORD?

A. YES.

Q. NOW HE MADE A STATEMENT TO YOU REGARDING THAT PAST RECORD?

A. YES.

Q. AND THEN RIGHT AFTER YOU HEARD THE STATEMENT HE MADE ABOUT HIS PAST RECORD, WHAT WAS THE NEXT STATEMENT OR NEXT QUESTION YOU ASKED?

A. IN ADDITION TO THE STATEMENT I TESTIFIED TO ON DIRECT YESTERDAY, HE SAID THAT HE HAD BEEN ARRESTED PREVIOUSLY IN POMONA FOR - BASED ON HIS PREVIOUS RECORD AT THAT TIME FOR A RAPE. AND THAT OBVIOUSLY THAT WAS WHAT WAS GOING TO HAPPEN AGAIN.

AND IT WAS IN RESPONSE TO THAT THAT HE WAS OFFERED A POLYGRAPH EXAMINATION.

Q. OKAY. AND SO YOU OFFERED A POLYGRAPH EXAMINATION?

A. I DON'T REMEMBER IF I DID THAT.

Q. DETECTIVE BELL?

A. NO. THE STATEMENT ABOUT HIS PAST RECORD WAS EITHER UPON MY - EITHER BEFORE I LEFT THE ROOM WITH DETECTIVE BELL OR EITHER UPON MY RETURN WITH SERGEANT PATTERSON AND DETECTIVE RIORDAN.

IT WAS A COMMENT BY HIM ABOUT HAVING BEEN ARRESTED BEFORE BECAUSE OF A PRIOR RAPE RECORD. AND THAT THIS OBVIOUSLY WHAT WAS HAPPENING TO HIM AGAIN.

[2124] AT THAT TIME, AGAIN HE WAS OFFERED A POLYGRAPH. AND I CAN'T TELL YOU JUST EXACTLY WHO DID THAT.

Q. DID YOU ASK HIM ANY FURTHER QUESTIONS AFTER THAT?

A. NO.

Q. THEN WAS HE ADVISED OF HIS RIGHTS?

A. YES. AFTER WE CHANGED, AFTER DETECTIVE BELL LEFT AND AGENT PATTERSON AND DETECTIVE RIORDAN CAME INTO THE INTERVIEW ROOM, DETECTIVE RIORDAN ADVISED HIM REGARDING HIS RIGHTS.

Q. AND HE INVOKED HIS RIGHTS AT THAT TIME AND INDICATED HE DID NOT WISH TO TALK?

A. WHEN HE WAS ASKED DID HE WANT AN ATTORNEY, HE RESPONDED, "I BELIEVE I NEED ONE."

Q. WHEN DID YOU ACTUALLY GET INFORMATION OTHER THAN FROM MR. STANSBURY REGARDING HIS PRIOR RECORD?

A. YOU MEAN PRIOR TO TALKING TO MR. STANSBURY?

Q. NO. SAY, THE 28TH, AT SOMETIME AFTER 12 O'CLOCK AT NIGHT - THE 29TH, YOU INDICATED

WHEN YOU COMMENCED THE INTERVIEW, YOU SAID YOU HAD NO INFORMATION.

ONCE MR. STANSBURY TOLD YOU ABOUT HIS PAST RECORD, DID YOU AT THAT POINT IN TIME RUN ANOTHER RAP SHEET?

A. I DON'T BELIEVE SO, NO.

Q. BEFORE HE MADE THAT STATEMENT TO YOU ABOUT HIS PAST RECORD, YOU HAD NO INFORMATION REGARDING HIS PAST RECORD.

[2125] IS THAT CORRECT?

A. THAT IS CORRECT.

Q. TO YOUR KNOWLEDGE, HAD ANY OF THE OTHER INVESTIGATORS GOTTEN KNOWLEDGE ABOUT THE RAP SHEET?

A. TO MY KNOWLEDGE, NONE OF THE INVESTIGATORS HAD ANY MORE KNOWLEDGE REGARDING MR. STANSBURY'S RECORD THAN I DID.

Q. DID YOU ON THAT DATE, SEPTEMBER 29TH, OR A FEW DAYS BEFORE, DID YOU PERSONALLY KNOW A DEPUTY WILLIE MILLER?

A. NO.

Q. FEMALE DEPUTY?

A. NO.

Q. DID YOU HAVE ANY CONVERSATION WITH WILLIE MILLER DURING THE INVESTIGATIONS OF THIS CASE UP UNTIL THE TIME MR. STANSBURY WAS ARRESTED?

A. NO.

Q. DID YOU HAVE ANY CONVERSATION WITH WILLIE MILLER AFTER HE WAS ARRESTED?

A. THIS MORNING.

Q. BEFORE THIS MORNING.

A. NO.

Q. DID YOU HAVE ANY CONVERSATION WITH ANY - I DON'T KNOW IF YOU CALL THEM INFORMATION OFFICERS.

A. PERSONNEL ASSIGNED TO THE SHERIFF'S INFORMATION BUREAU.

Q. YES.

A. NOT THAT I RECALL.

[2126] Q. WAS THERE ANY INFORMATION BEFORE MR. STANSBURY WAS ARRESTED?

A. BY MYSELF.

Q. WERE THERE ANY THAT - DID YOU CONTACT ANYBODY FROM THE INFORMATION BUREAU OF THE SHERIFF'S DEPARTMENT?

A. NO.

Q. AND GIVE THEM ANY INFORMATION?

A. NO.

Q. WHAT WAS YOUR CONVERSATION WITH WILLIE MILLER ABOUT THIS MORNING?

A. TO TELL HER WHY SHE WAS PRESENT THIS MORNING.

Q. I HAVE NOTHING FURTHER FROM THIS WITNESS.

REDIRECT EXAMINATION +

BY MR. BURNS:

Q. YOU INDICATED THAT PRIOR TO HAVING THIS INTERVIEW WITH MR. STANSBURY, THAT YOU HAD RECEIVED INFORMATION FROM SOMEONE BY THE NAME OF DONALD HELMER.

IS THAT CORRECT?

A. YES, SIR.

Q. AND DO YOU RECALL WHAT DONALD HELMER, WHAT HIS INFORMATION WAS TO YOU CONCERNING THIS CASE?

A. HIS INFORMATION WAS THAT HE HAD SEEN THE VICTIM AT ABOUT FIVE IN THE AFTERNOON IN THE AREA OF THE GETTY SCHOOL SPEAKING TO AN ICE CREAM MAN IN A BLUE ICE CREAM TRUCK. AND HE BELIEVED THAT THE OCCUPANT OF THE ICE [2127] CREAM TRUCK WAS A MALE NEGRO.

[2128] Q. ALL RIGHT.

SO THE INFORMATION ON - FROM DONALD HELMER IN NO WAY INDICATED ANYTHING CLOSE TO ANY FACTS RELATING TO MR. STANSBURY.

IS THAT CORRECT?

A. THAT'S CORRECT.

Q. AND THAT CONVERSATION THAT HE - DONALD HELMER INDICATED HE WITNESSED WAS

AT APPROXIMATELY 5:00 P.M. ON THE DAY IN QUESTION?

A. YES.

Q. HAD YOU PREVIOUSLY LEARNED FROM OTHER SOURCES SUCH AS THE VICTIM'S MOTHER THAT THE VICTIM WAS SEEN AFTER FIVE O'CLOCK IN OTHER ACTIVITIES LATER THAT DAY BEFORE HER DISAPPEARANCE?

A. YES.

Q. AND WITH REGARDS TO THE PERSON BY THE NAME OF JEREMY RAMOS, YOU INDICATED YOU HAD SOME INFORMATION CONCERNING HIS STATEMENT.

IS THAT CORRECT?

A. YES, SIR.

Q. AND DID JEREMY RAMOS INDICATE WHERE IT WAS HE SAW THE VICTIM THE LAST TIME HE SAW THE VICTIM?

A. YES.

Q. AND WHAT WAS THAT CIRCUMSTANCE, AS YOU RECALL?

A. HE SAW - OBSERVED ROBYN JACKSON AS SHE WALKED NORTH ON PHELAN STREET ON THE EAST SIDE OF THE SCHOOL, WHICH WOULD PUT HER ON THE WEST SIDEWALK.

[2129] AS SHE APPROACHED AN ICE CREAM TRUCK, IT WAS BLUE IN COLOR, AND HE BELIEVED

THAT THE DRIVER OF THE ICE CREAM TRUCK, THE BLUE ICE CREAM TRUCK, WAS A MALE NEGRO.

Q. HOW OLD WAS JEREMY RAMOS?

A. I DON'T REMEMBER.

Q. CAN YOU GIVE ME A BALLPARK FIGURE?

A. FIVE.

Q. IN ANY EVENT, MR. RAMOS WAS A YOUNG CHILD, IS THAT A FAIR STATEMENT?

A. YES.

Q. WAS THERE ANYTHING ABOUT MR. RAMOS' DEMEANOR THAT WOULD CAUSE YOU TO FEEL THE NEED TO CORROBORATE HIS STATEMENT BEFORE SAY ARRESTING ANYONE OR MAKING ANY DECISION TO ARREST ANYONE BASED ON YOUR CONTACT WITH HIM?

A. DEFINITELY.

Q. WAS HIS THE TYPE OF INFORMATION THAT YOU WOULD HAVE ON FACE VALUE CONSIDERED RELIABLE AT THAT POINT IN TIME.

A. NO.

Q. WITHOUT SOME CORROBORATION?

A. NO.

Q. DID MR. RAMOS IN FACT SUBSEQUENTLY CHANGE HIS TESTIMONY IN THIS CASE, TO YOUR KNOWLEDGE?

A. I BELIEVE THERE WAS A CHANGE IN TESTIMONY. I DON'T REMEMBER EXACTLY WHEN IT WAS, YES.

Q. AT ANY RATE, OFFICER, WHEN YOU WENT OUT TO POMONA TO TALK TO THESE PEOPLE, THE LATEST INFORMATION THAT YOU HAD OR THE INFORMATION YOU HAD CONCERNING WHO THE [2130] VICTIM MIGHT HAVE BEEN WITH WAS IN FACT A BLACK PERSON OPERATING A BLUE ICE CREAM TRUCK.

IS THAT RIGHT?

A. YES, SIR.

Q. NOW, WHAT WAS THE REASON OF GOING TO POMONA AT THAT TIME OF NIGHT TO TALK TO THE TWO PEOPLE THAT YOU WANTED TO TALK TO THAT NIGHT?

A. WELL, TIME IN AN INVESTIGATION OF THIS TYPE IS CRITICAL.

THE FACT THAT I HAD TWO RESIDENT'S ADDRESSES AND POSSIBILITY THAT THEY WOULD BE HOME AT THAT HOUR AND FOLLOWING ON THE NEED TO CONTACT ANYBODY AS A POTENTIAL WITNESS AS SOON AS POSSIBLE.

Q. OFFICER, AT THAT TIME, YOUR UNDERSTANDING WAS THAT THESE PEOPLE WERE SOMEHOW ENGAGED IN A SALE OF ICE CREAM OR SOMETHING FROM SORT OF A MOVING VEHICLE.

IS THAT RIGHT?

A. YES, SIR.

Q. WOULD YOU THEREFORE ON THAT INFORMATION THAT YOU HAD BEEN ABLE TO HAVE LOCATED THEM AT A BUSINESS ADDRESS?

A. NO.

Q. IN FACT, THEIR BUSINESS WOULD HAVE BEEN ONE THAT BY YOUR KNOWLEDGE WOULD HAVE BEEN IN CONSTANT CHANGING POSITION.

IS THAT RIGHT?

A. YES, SIR.

Q. SO THAT THE EASIEST WAY - LET ME ASK YOU:

[2131] WERE THERE ANY OTHER WAYS THAT YOU COULD THINK OF TO GET THEM OTHER THAN THEIR HOME ADDRESS?

A. NO.

Q. AND BOTH OF THESE PEOPLE LIVED IN THE SAME AREA OR SAME CITY, ROUGHLY THE SAME AREA?

A. YES, SIR.

Q. THIS YUSUF, WHAT RACE IS HE?

A. BLACK.

Q. AND HE WAS THE PERSON THAT YOU AND THE OTHER TWO HOMICIDE OFFICERS WENT TO FIRST.

IS THAT RIGHT?

A. YES, SIR.

Q. AND HOW WOULD YOU DESCRIBE YUSUF'S DEMEANOR, HIS COOPERATION, IF YOU WILL, WITH YOUR PRESENCE AT HIS APARTMENT, AT LEAST INITIALLY?

A. RATHER SUSPICIOUS.

Q. AND YUSUF WAS THEN BROUGHT DOWN BY YOU AND THE OTHER TWO HOMICIDE OFFICERS IN PERSON TO THE STATION.

IS THAT RIGHT?

A. TO POMONA POLICE DEPARTMENT, YES, SIR.

Q. HE WAS THE FIRST PERSON WHICH YOU WERE TALKING TO.

IS THAT RIGHT?

A. THAT'S CORRECT.

Q. IT WAS ONLY AT SOME POINT LATER THAT MR. STANSBURY WAS BROUGHT DOWN TO THE STATION.

IS THAT CORRECT?

A. YES, SIR.

[2132] Q. AND YOU INDICATED THAT YOU DIRECTED SERGEANT HIGGENBOTHAM TO REQUEST MR. STANSBURY TO COME DOWN.

IS THAT RIGHT?

A. YES.

Q. AND YOU INDICATED THAT MR. STANSBURY SHOULD BE ALLOWED TO DRIVE HIS OWN VEHICLE -

MR. DAUGHERTY: OBJECTION, LEADING.

MR. BURNS: STRIKE THAT I'LL REPHRASE THE QUESTION.

BY MR. BURNS:

Q. WHAT DID YOU INDICATE TO MR. HIGGENBOTHAM SHOULD BE THE MODE OF TRANSPORTATION, IF ANY?

A. WHATEVER WAS CONVENIENT TO MR. STANSBURY.

Q. DID YOU ANTICIPATE IN YOUR OWN MIND THAT THAT MIGHT IN FACT HAVE BEEN MR. STANSBURY DRIVING HIMSELF OR PROVIDING HIS OWN PERSONAL TRANSPORTATION DOWN THERE?

A. YES, SIR.

Q. SINCE WE'RE GETTING INTO THE AREA OF RELATIVES, AND THIS IS A HYPOTHETICAL, IF THE ONLY TWO PEOPLE THAT YOU HAD AT THAT POINT IN TIME FOR SUSPECTS WOULD HAVE BEEN MR. STANSBURY AND MR. YUSUF PRIOR TO INTERVIEWING EITHER OF THESE TWO PEOPLE BASED ON THE INFORMATION THAT YOU HAD, WOULD YOU BELIEVE THAT MR. YUSUF WOULD HAVE BEEN A BETTER SUSPECT?

MR. DAUGHERTY: OBJECTION; CALLS FOR SPECULATION.

MR. BURNS: THAT'S THE LINE OF QUESTIONING THAT DEFENSE COUNSEL WENT INTO AS FAR AS TO DETERMINE THE STATE OF MIND OF THE OFFICER AT THAT POINT IN TIME.

CLEARLY WHAT I'M ATTEMPTING TO ESTABLISH IS [2133] THAT BY WAY OF ALL OF THE EVIDENCE THAT THIS OFFICER HAD IN FRONT OF HIM, THERE WAS NOTHING THAT HE WOULD HAVE THAT WOULD SUGGEST THAT MR. STANSBURY WAS IN FACT INVOLVED IN THIS CRIME SAVE AND EXCEPT FOR THE SOLE PURPOSE THAT HE WAS IN FACT IN THE CITY OF BALDWIN PARK AND AT SOME POINT IN TIME HAD KNOWN THE VICTIM, THAT'S IT.

MR. DAUGHERTY: MAY I BE HEARD?

THE COURT: YES.

MR. DAUGHERTY: THE OFFICER'S STATE OF MIND I HAVE NO OBJECTION TO THAT. ALL I HAVE AN OBJECTION TO IS THERE'S NO PURPOSE TO HAVE HIM COMPLETELY SPECULATE AS FOR A HYPOTHETICAL THAT ISN'T FACTUAL.

HIS ACTUAL STATE OF MIND IN THIS CASE YES, I WOULD NOT OBJECT TO THIS QUESTION. BUT IT'S A HYPOTHETICAL AND HE'S ASKING HIM TO SPECULATE ON A SITUATION THAT DID NOT EXIST.

THE COURT: SUSTAINED.

BY MR. BURNS:

Q. OFFICER, WHAT IF ANYTHING DID YOU HAVE THAT WOULD IN ANY WAY SUSPECT OR INDICATE THAT MR. STANSBURY WOULD BE A POSSIBLE

SUSPECT IN THIS CASE AT THE TIME OR PRIOR TO YOUR ACTUAL CONVERSATION WITH MR. STANSBURY?

A. POSSIBLE SUSPECT, NOTHING.

Q. OTHER THAN THE FACT THAT HE WAS IN THE AREA?

A. YES.

Q. AND THAT HE AT SOME POINT KNEW THE VICTIM.

IS THAT RIGHT?

A. YES.

[2134] Q. THAT WOULD HOLD TRUE FOR ANYONE THAT WAS IN THE AREA FOR THAT POINT IN TIME.

IS THAT RIGHT?

A. THAT'S CORRECT.

Q. OR ANYONE THAT MIGHT HAVE KNOWN THE VICTIM AT ANY OTHER POINT IN TIME?

A. YES.

Q. CERTAINLY THE FOCUS OF INVESTIGATION HAD NOT DIRECTED ITSELF TO MR. STANSBURY PRIOR TO YOUR QUESTIONING OF HIM.

IS THAT CORRECT?

MR. DAUGHERTY: OBJECTION, LEADING.

THE COURT: EXCUSE ME.

THE COURT: READ THAT QUESTION BACK TO ME.

(THE LAST QUESTION WAS READ BACK.)

MR. BURNS: I'LL WITHDRAW AND REPHRASE THE QUESTION.

BY MR. BURNS:

Q. HAD THE FOCUS OF INVESTIGATION AT ANYTIME PRIOR TO YOUR INTERVIEW WITH MR. STANSBURY FOCUSED ON MR. STANSBURY?

A. NO.

Q. WAS HE IN ANY WAY CONSIDERED BY YOU TO BE THE PRIME SUSPECT IN THIS CASE?

A. NO.

Q. WAS HE IN ANY WAY BASED ON THE INFORMATION THAT YOU HAD AT THAT TIME IN YOUR MIND CONSIDERED A GOOD SUSPECT IN THIS CASE OR ANYTHING OF THE LIKE?

[2135] A. NO.

Q. THE ONLY POINT IN TIME IN WHICH - STRIKE THAT.

AT WHAT POINT IN TIME DURING THE CONVERSATION DID IT OCCUR TO YOU OR DID IT BECOME SUSPICIOUS TO YOU THAT HE MIGHT BE A SUSPECT IN THIS CASE?

A. WHEN HE DESCRIBED THE LUCAS VEHICLE.

Q. NOW, YOU INDICATED THAT AT SOME POINT DURING YOUR INITIAL QUESTIONING THE

DEFENDANT MADE KIND OF A GENERAL STATEMENT OF THE DAY'S ACTIVITIES.

IS THAT RIGHT?

A. THAT'S CORRECT.

Q. DID YOU ASK HIM SPECIFICALLY WHAT HE WAS DOING BETWEEN MIDNIGHT AND THREE O'CLOCK IN THE MORNING OR APPROXIMATELY OR AROUND ONE O'CLOCK IN THE MORNING?

A. NO.

Q. HOW DID THIS WHOLE AREA OF WHAT HIS CONDUCT WAS DURING THOSE MORNING HOURS COME UP? WHO BROUGHT IT UP?

A. HE VOLUNTEERED THAT HE WENT OUT SHORTLY AFTER MIDNIGHT.

Q. SO HE VOLUNTEERED THIS SUBJECT NOT ONLY THAT HE WENT OUT BUT HE VOLUNTEERED A TIME FRAME AS WELL?

A. EXCEPT FOR HIS RETURN TIME.

Q. AND WHEN HE VOLUNTEERED THAT TIME FRAME, WHAT DID YOU DO?

A. I ASKED HIM WHERE HE WENT.

Q. WAS THERE ANY PARTICULAR REASON TO ASK HIM [2136] WHY AT THAT POINT?

A. I FELT IT WAS A LITTLE UNUSUAL FOR SOMEBODY TO GO OUT AT MIDNIGHT.

Q. WAS THAT JUST FOLLOWING THE GENERAL COURSE OF CONVERSATION AT THAT POINT?

A. YES.

Q. NOT ATTEMPTING AT THAT POINT IN TIME TO DEVELOP ANYTHING INCRIMINATING.

MR. DAUGHERTY: OBJECTION, LEADING.

THE COURT: SUSTAINED.

BY MR. BURNS:

Q. WAS THAT IN ANY PART AN EFFORT TO DEVELOP ANYTHING INCRIMINATING AT THAT TIME?

A. NO.

Q. AND AT THAT POINT IN TIME, DID YOU ASK HIM TO DESCRIBE THE VEHICLE THAT HE WAS IN?

A. NO.

Q. AT THAT POINT IN TIME, IS THAT WHEN YOU SHOWED HIM THE PHOTOGRAPH?

A. YES.

Q. ASKED HIM QUESTIONS ABOUT THAT VICTIM?

A. HE VOLUNTEERED THAT HE RECOGNIZED HER AND THAT HE HAD SEEN HER.

Q. ASKED HER QUESTIONS ABOUT WHEN HE HAD LAST SEEN HER, WHAT THE CIRCUMSTANCES WERE OF HIS LAST SIGHTING OF HER?

A. YES.

Q. DID YOU ALSO ASK HIM QUESTIONS ABOUT WHETHER [2137] OR NOT HE HAD SEEN ANYONE

ELSE IN AND AROUND THE AREA OF THE TIME OF HIS LAST SIGHTING OF THE VICTIM?

A. YES.

Q. AND DID HE INDICATE SOMEONE?

A. YES.

Q. DID YOU ASK HIM TO DESCRIBE WHO THAT PERSON WAS?

A. I DID.

Q. WHAT WAS THE REASON FOR ASKING HIM TO DESCRIBE THIS OTHER PERSON IN AND AROUND THAT AREA?

A. FOR THE PURPOSES OF IDENTIFYING AND BEING ABLE TO CONTACT THAT OTHER PERSON.

Q. FURTHER INVESTIGATION AS TO POSSIBLE WITNESSES?

A. THAT'S CORRECT.

Q. AFTER HE MADE HIS STATEMENT CONCERNING THE TYPE OF CAR THAT HE WAS DRIVING THAT NIGHT, THE ONLY OTHER AREA THAT WAS INQUIRED ON WAS AS TO HIS PRIOR BACKGROUND?

A. YES, SIR.

Q. AT THAT POINT AFTER HE MADE HIS STATEMENT AS TO HIS RECORD, YOU AND DETECTIVE BELL THEN LEFT HIM ALONE IN THE INTERVIEW ROOM?

A. YES.

Q. THEN RETURNED WITH - AT THAT POINT, DID YOU GO AND GET THE OTHER HOMICIDE OFFICERS? OR HAD THEM BROUGHT TO YOU?

A. YES.

I DIDN'T LEAVE THE IMMEDIATE AREA.

[2138] Q. AT ANY RATE, YOU SENT FOR THE OTHER INVESTIGATING OFFICERS.

IS THAT RIGHT?

A. UNLESS THEY WERE ALREADY THERE BECAUSE OF CONCLUSION OF THEIR INTERVIEW, I DON'T RECALL.

Q. WHEN YOU WENT BACK INTO THE INTERVIEW ROOM WITH MR. STANSBURY, WAS DETECTIVE BELL PRESENT?

A. NO.

Q. WHAT WAS THE REASON FOR HAVING DETECTIVE BELL WITH YOU DURING THE FIRST PART?

A. JUST TO HAVE AN OBSERVER.

Q. SHE WAS NOT AN INVESTIGATOR WORKING ON THE CASE, WAS SHE?

A. NO.

Q. WHEN YOU WENT BACK TO INTERVIEW MR. STANSBURY, YOU CHANGED THE INVESTIGATION TEAM OR THE TEAM OF OFFICERS THAT WERE TALKING TO HIM?

A. YES.

Q. AND YOU BROUGHT IN THE OTHER TWO HOMICIDE OFFICERS?

A. YES, SIR.

Q. WHY?

A. BECAUSE AT THAT POINT IN TIME IT WAS GOING TO BE AN INTERROGATION OF THE SUSPECT.

Q. AT THAT POINT IN TIME, IT WOULD BE IN YOUR MIND OR IN YOUR MIND AT THAT POINT IN TIME, THE FOCUS ON MR. STANSBURY HAD BEEN FIXED.

IS THAT RIGHT?

[2139] A. YES.

Q. AND WHEN YOU BROUGHT THOSE TWO OTHER OFFICERS IN, DID YOU ADVISE MR. STANSBURY OF HIS RIGHTS PRIOR TO ANY QUESTIONING OR WAS THAT DONE BY SOMEONE?

A. THAT WAS DONE BY DEPUTY RIORDAN.

Q. AT THAT POINT, HE MADE HIS RESPONSE TO YOU?

A. YES, SIR.

Q. YOU INTERPRETED THAT RESPONSE AS AN INVOCATION OF HIS MIRANDA RIGHTS?

A. YES, SIR.

Q. AND THE ONLY OTHER AREA THAT WAS DISCUSSED AT THAT POINT WAS SOME DISCUSSION

ABOUT THE TAKING OF A POLYGRAPH TEST OR SOMETHING?

A. I JUST KNOW THAT DISCUSSION CAME UP. WHETHER IT WAS JUST BEFORE I LEFT WITH OFFICER BELL OR IMMEDIATELY UPON MY RETURN WITH THE TWO HOMICIDE INVESTIGATORS, I DON'T SPECIFICALLY RECALL.

Q. AT ANY RATE, NO FURTHER QUESTIONS WERE CONDUCTED CONCERNING THIS CASE OR THE FACTS INVOLVED IN THIS CASE?

A. THAT'S RIGHT. THAT'S CORRECT.

MR. BURNS: I HAVE NO FURTHER QUESTIONS.

THE COURT: MR. DAUGHERTY?

MR. DAUGHERTY: YES.

RECROSS-EXAMINATION +

BY MR. DAUGHERTY:

Q. YOU KNEW WHEN YOU FIRST SAW MR. STANSBURY [2140] THAT HE AT LEAST MATCHED THE PHYSICAL SIZE, DESCRIPTION OF THE ONLY SUSPECT YOU HAD, THE PERSON WHO HAD DUMPED THE BODY IN THE WASH.

IS THAT CORRECT?

A. AND THAT HE WAS TALL, YES.

Q. AND LARGE?

A. YES.

Q. YOU ALSO TALKED TO A YOUNG BOY NAMED HASTINGS, RANDY HASTINGS THAT SAME DAY?

A. I REMEMBER THE NAME BUT I DON'T KNOW - I DON'T RECALL THAT I SPECIFICALLY SPOKE TO HIM.

Q. AND DIDN'T HE IN FACT TELL YOU THAT THE ICE CREAM MAN HAD BEEN GIVING ROBYN FREE CANDY AND TALKING TO HER ALL THE TIME?

A. YES.

Q. THAT WAS THE INFORMATION YOU HAD?

A. YES.

Q. DIDN'T THAT TRIGGER IN YOUR MIND THAT THE ICE CREAM TRUCK MAN MIGHT BE INVOLVED IN THIS?

A. MIGHT BE INVOLVED, YES.

Q. DID JEREMY RAMOS TELL YOU THE ICE CREAM TRUCK DRIVER'S NAME WAS BOB?

A. THE ONE THAT ROBYN HAD SPOKEN TO EARLIER IN THE DAY HE DESCRIBED HIM.

I DON'T REALLY RECALL IF HE SAID BOB. I REALLY DON'T.

MR. DAUGHERTY: JUST A MOMENT, YOUR HONOR.

THE COURT: WE'RE OFF THE RECORD.

[2141] (THEREUPON, A DISCUSSION WAS HELD OFF THE RECORD.)

BY MR. DAUGHERTY:

Q. DID YOU CONSIDER IT SIGNIFICANT THAT SEVERAL PEOPLE TOLD YOU THE LAST PERSON THAT ROBYN HAD SEEN BEFORE SHE WAS MISSING WAS AN ICE CREAM TRUCK DRIVER?

A. YES.

Q. DID YOU CONSIDER AN ICE CREAM TRUCK DRIVER MAY HAVE BEEN A PERSON WHO ABDUCTED HER?

A. YES.

Q. YOU KNEW SHE WAS ABDUCTED BY SOMEBODY THAT AFTERNOON?

A. YES.

Q. 6:30 IN THE AFTERNOON OR SO.

MR. DAUGHERTY: I HAVE NOTHING FURTHER.

REDIRECT EXAMINATION +

BY MR. BURNS:

Q. WAS IT IMPORTANT TO YOU THAT SHE HAD CONTACT WITH AN ICE CREAM TRUCK MAN TO DETERMINE WHETHER THAT PERSON WAS A VICTIM OR - EXCUSE ME WAS A WITNESS OR SUSPECT?

A. CERTAINLY.

MR. BURNS: MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: YES.

BY MR. BURNS:

Q. OFFICER, SHOWING YOU A COPY OF A BALDWIN PARK POLICE DEPARTMENT REPORT FOR COUNSEL'S BENEFIT, OFFICER HAMMOND'S REPORT PAGE TWO OF THREE, I BELIEVE THE DATE OF [2142] THE TIME OF THE REPORT IS 9/29/82.

OFFICER, HAD YOU BEEN GIVEN A COPY OF THAT PARTICULAR REPORT, SPECIFICALLY THAT PAGE SETTING OUT RANDY HASTING'S STATEMENT PRIOR TO INTERVIEW WITH DETECTIVE OR - EXCUSE ME - WITH MR. STANSBURY?

A. I DON'T BELIEVE SO.

Q. AND HAD YOU ACTUALLY PERSONALLY TALKED TO MR. HASTINGS BEFORE THAT INTERVIEW WITH MR. STANSBURY?

A. NOT TO MY RECOLLECTION.

MR. BURNS: THANK YOU.

I HAVE NO FURTHER QUESTIONS.

MR. DAUGHERTY: NOTHING FURTHER AT THIS TIME.

THE COURT: ALL RIGHT.

1:30, GENTLEMEN.

I HAVE A COUPLE OF QUESTIONS. I'LL ASK THEM AT 1:30.

DEFENDANT STANSBURY: YOUR HONOR, AT THIS TIME -

THE COURT: 1:45.

1:45.

DEFENDANT STANSBURY: YOUR HONOR, AT THIS TIME I WOULD LIKE TO BRING IT TO THE ATTENTION OF THE COURT AND HAVE IT PLACED ON THE RECORD THIS MORNING I HAVE BEEN HANDED A NUMBER OF PHOTOGRAPHS BY MR. DAUGHERTY.

THESE ARE ALLEGEDLY THE PHOTOGRAPHS FROM THE PASADENA POLICE DEPARTMENT. I BELIEVE MR. BURNS SPECIFIED ON OCTOBER THE 3RD THAT THERE WERE ALMOST 100 PHOTOGRAPHS.

THE AMOUNT HERE, WHICH I HAVE COUNTED THREE SEPARATE TIMES, IS A TOTAL OF 54.

[2143] THEREFORE, THERE ARE STILL NUMEROUS PHOTOGRAPHS MISSING, RELATING TO THOSE AREAS. WHERE THE OTHER PHOTOGRAPHS ARE I DO NOT KNOW AT THIS TIME.

MR. DAUGHERTY UPON MY ASKING FOR THE REST OF THE PHOTOGRAPHS SPECIFIED THIS WAS ALL THAT WAS HANDED TO HIM BY MR. BENART.

THE COURT: MR. DAUGHERTY, WOULD YOU BE KIND ENOUGH TO INQUIRE OF MR. BENART IF HE KNOWS OF ANY OTHER PHOTOGRAPHS, FOR THE BENEFIT OF YOUR CLIENT?

MR. DAUGHERTY: IF THEY EXIST.

THE COURT: I'M SORRY, FOR THE BENEFIT OF CO-COUNSEL.

MR. DAUGHERTY: YES.

THE COURT: 1:45, GENTLEMEN.

(AT 11:55 A.M., A RECESS WAS TAKEN UNTIL
1:30 P.M. OF THE SAME DAY.)

[2144] POMONA, CALIFORNIA; WEDNESDAY, 10-31-84;
* 2:25 P.M. DEPT. EAST H HON. JAMES H. PIATT,
JUDGE

(APPEARANCES AS HERETOFORE NOTED.)

THE COURT: IN THE MATTER OF PEOPLE
VERSUS STANSBURY.

THE RECORD SHOULD REFLECT THAT MR.
BURNS, MR. ROUSTO, MR. DAUGHERTY AND MR.
STANSBURY ARE PRESENT.

MR. DAUGHERTY: YES.

THE COURT: MR. DAUGHERTY?

MR. DAUGHERTY: BEFORE WE CONTINUE
WITH THE EXAMINATION OF THIS WITNESS, AN
ISSUE WAS RAISED JUST PRIOR TO THE BREAK BY
MR. STANSBURY REGARDING THE PHOTOGRAPHS
FROM THE PASADENA POLICE DEPARTMENT.

I TALKED TO MR. BENART, AND HE INDICATED
HE HAS OBTAINED ALL PHOTOGRAPHS FROM THE
PASADENA POLICE DEPARTMENT, NUMBERING 54
PHOTOGRAPHS.

MR. BURNS HAS IN EXCESS OF THAT NUMBER.

WE HAVE LOOKED AT MR. BURNS' PHOTO-
GRAPHS. THERE ARE A LARGE NUMBER OF DUPLI-
CATES HE RECEIVED FROM THE PASADENA POLICE
DEPARTMENT.

I WOULD SUGGEST THAT AT THE BREAK, IF MR.
STANSBURY COULD COMPARE HIS PHOTOGRAPHS
WITH MR. BURNS' PHOTOGRAPHS, WE CAN DETER-
MINE AT THAT TIME IF THERE ARE ANY THAT ARE
MISSING, IF THAT'S AMENABLE.

MR. BURNS: I HAVE NO OBJECTION.

WHAT I INDICATED TO COUNSEL, I PULLED THE
PHOTOGRAPHS BEFORE THAT I PREVIOUSLY IDENTI-
FIED FOR THE [2145] RECORD, AND IT SHOWS THAT
THERE ARE A TOTAL OF 94 PHOTOGRAPHS FROM
PASADENA POLICE DEPARTMENT, FIVE OF WHICH
ARE BLANK.

SO THERE ARE ACTUALLY ONLY 89 TRUE PHO-
TOGRAPHS.

MY EXAMINATION OF THE PHOTOGRAPHS,
GOING THROUGH THE FIRST TWENTY, INDICATED
APPROXIMATELY SEVEN OR EIGHT OF THOSE WERE
DUPLICATED SHOTS THAT WERE REPRINTED TWICE.

I HAVE NO IDEA WHAT HE HAS BEEN HANDED.

I HAVE NO OBJECTION TO A REVIEW TO SEE IF
THEY ARE THE SAME.

I WOULD LIKE TO FINISH THE EXAMINATION OF
THIS WITNESS, IF WE COULD AT THIS TIME.

MR. DAUGHERTY: IF THE COURT TAKES A BREAK IN THE AFTERNOON, WE COULD EXAMINE THEM.

AND I HAD NO FURTHER QUESTIONS OF THIS WITNESS.

THE COURT: AND I BELIEVE YOU HAD NO FURTHER QUESTIONS.

MR. BURNS: THAT'S CORRECT, YOUR HONOR.

THOMAS JOHNSTON, +

WITNESS, RESUMES STAND AND TESTIFIES FURTHER AS FOLLOWS:

THE COURT: OFFICER, I'M TRYING TO RECONCILE. MAYBE I MISUNDERSTOOD SOME OF THE TESTIMONY YESTERDAY.

AND I'M NOW REFERRING TO PAGE 2091, AND I'M [2146] GOING TO HAND IT AT THIS TIME TO YOU AND HAVE YOU TAKE A LOOK AT IT, AND ASK - THERE'S A REFERENCE AT LINE 5 ABOUT A CONVERSATION WITH, I BELIEVE SHARON SANCHEZ, REGARDING INFORMATION THAT WAS GIVEN TO HER BY JEREMY RAMOS.

IN FACT, WHAT I WOULD LIKE TO HAVE YOU DO IS TAKE A FEW MOMENTS AND JUST READ THIS, THE TRANSCRIPT FROM PAGE 2088 TO 2091, ROUGHLY DOWN THERE WHERE I'VE MADE THAT MARK.

OKAY, AND TELL ME IF YOU FIND ANY - I'LL ASK SOME QUESTIONS AFTER YOU'VE DONE THAT?

THE WITNESS: ALL RIGHT, SIR.

THE COURT: ALL RIGHT, SIR.

MR. BURNS: MAY I HAVE JUST A MOMENT, YOUR HONOR?

THE COURT: YES, YOU MAY.

(PAUSE.)

THE WITNESS: ALL RIGHT, SIR.

THE COURT: DID YOU READ THROUGH THE BOTTOM OF 2091?

THE WITNESS: I WENT TO THE MARK.

THE COURT: I'M SORRY. READ DOWN TO THE BOTTOM OF THE PAGE 2091, PLEASE.

THE WITNESS: ALL RIGHT, SIR.

THE COURT: HAVE YOU HAD AN OPPORTUNITY, GENTLEMEN, TO READ THIS?

MR. DAUGHERTY: YES.

MR. BURNS: YES, I HAVE.

THE COURT: OFFICER, I READ THIS TESTIMONY OR YESTERDAY'S TRANSCRIPT IN LIGHT OF SOME OF THE TESTIMONY [2147] TODAY. AND I'M NOT SURE THAT THERE IS A CONFLICT IN THE TESTIMONY OR NOT.

OKAY. SO MY ORIGINAL - MY FIRST QUESTION IS, YOU HAD THIS MEETING, YOUR FIRST MEETING WITH MR. STANSBURY AT ABOUT 11:00 P.M. ON THE 29TH.

IS THAT CORRECT?

THE WITNESS: THAT'S CORRECT.

Q. HAD YOU DISCUSSED WITH ANYBODY ELSE PRIOR TO THAT TIME THE FACT THAT A MAN WHO WAS TALL, HEAVY AND HAD RED HAIR AND A BUSHY BEARD MAY HAVE SEEN THE GIRL?

THE WITNESS: WE HAD INFORMATION FROM, HEARSAY INFORMATION FROM MRS. SANCHEZ AND JEREMY RAMOS WHO SAID HE HAD BEEN IN THE COMPANY WITH ROBYN WHEN ROBYN HAD SPOKEN TO THE ICE CREAM MAN WITH THAT DESCRIPTION.

THE COURT: BUT THE INFORMATION YOU GOT FROM MRS. SANCHEZ WAS INFORMATION SHE GOT FROM -

THE WITNESS: JEREMY RAMOS.

THE COURT: RAMOS, IS THAT CORRECT?

THE WITNESS: THAT'S CORRECT.

THE COURT: YOU TALKED TO MRS. SANCHEZ SOMETIME BEFORE 11:00 P.M. ON ON THAT DAY?

THE WITNESS: YES.

THE COURT: DID SHE RELATE THAT INFORMATION TO YOU AT THAT TIME OR SOME OTHER TIME?

THE WITNESS: NO. SHE RELATED THAT INFORMATION AT THAT TIME.

WE SPOKE TO JEREMY RAMOS THAT DAY FOLLOWING THAT INFORMATION.

[2148] THE COURT: YOU MEAN ON THE 30TH?

THE WITNESS: NO, ON THE 29TH.

THE COURT: AND DID JEREMY RAMOS TELL YOU WHEN HE THOUGHT IT WAS THAT HE HAD SEEN ROBYN WITH THIS INDIVIDUAL WITH THE RED HAIR AND A BUSHY BEARD?

THE WITNESS: YES.

THE COURT: WHEN DID HE SAY THAT?

THE WITNESS: THAT WAS BEFORE DINNER.

THE COURT: DID HE SAY APPROXIMATELY WHAT TIME?

THE WITNESS: HE JUST INDICATED IT WAS JUST BEFORE THEY ALL WENT IN TO DINNER.

THEY ALL EAT DINNER TOGETHER. HE ATE DINNER AT ROBYN JACKSON'S HOUSE.

THE COURT: I SEE.

WHAT INFORMATION DID YOU HAVE THEN, IF YOU HAD ANY, ABOUT WHO ROBYN JACKSON MIGHT HAVE SEEN AFTER DINNER?

THE WITNESS: WE HAD TWO SOURCES OF INFORMATION REGARDING WHO ROBYN MAY HAVE BEEN SEEN WITH AFTER DINNER.

AND ONE WAS JEREMY RAMOS IN HIS STATEMENT TO US WHICH INDICATED THAT HE

WATCHED ROBYN GO UP PHELAN AND APPROACH AN INDIVIDUAL IN A BLUE ICE CREAM TRUCK. AND IT WAS OCCUPIED BY A MALE NEGRO.

AND THEN MR. HELMER INDICATED THAT HE SAW ROBYN JACKSON SPEAKING TO SOMEONE IN A BLUE ICE CREAM TRUCK.

IT WAS A MALE NEGRO, ONLY HIS REFERENCE POINT IN TIME WAS 5:00 P.M.

[2149] AND I DON'T KNOW HOW HE ESTABLISHED THE TIME.

THE COURT: ON THE 29TH WHEN YOU TALKED TO MR. STANSBURY, WAS THERE ANYBODY WHO HAD SUGGESTED THAT SHE MIGHT, ROBYN MIGHT HAVE MET A CAUCASIAN WITH RED HAIR AND A BUSHY BEARD AFTER DINNER?

THE WITNESS: THE ONLY REFERENCE TO HER HAVING MET HIM AFTER DINNER WAS BASED ON THE INFORMATION WE RECEIVED FROM MRS. SANCHEZ, WHICH WAS A STATEMENT OF INFORMATION SHE HAD FROM JEREMY RAMOS.

WE SPOKE TO JEREMY RAMOS AFTER THAT?

THE COURT: AND RAMOS PLACED THAT MEETING BEFORE DINNER?

THE WITNESS: YES.

THE COURT: I SEE.

HOW OLD WAS JEREMY AT THE TIME?

THE WITNESS: FOUR. HE WAS FOUR AT THE TIME.

THE COURT: I HAVE NOTHING FURTHER.

RECROSS-EXAMINATION +

BY MR. DAUGHERTY:

Q. YOU INDICATED YOU ALSO TALKED TO QUITE A FEW OF THE NEIGHBORS THAT DAY?

A. YES.

Q. WERE THERE ANY OTHER NEIGHBORS THAT YOU TALKED TO WHO HAD ALSO SEEN ROBYN WITH AN ICE CREAM TRUCK DRIVER LATER IN THE AFTERNOON OR EARLY EVENING?

A. I DON'T RECALL ANY OTHER PEOPLE SPECIFICALLY THAT SAW HER WITH ANYBODY THAT PARTICULAR DAY.

[2150] Q. DID YOU TALK TO THE BEACHES THAT DAY, NANCY AND CATHY BEACH?

A. I DON'T EVEN RECOGNIZE THE NAME.

Q. DO YOU HAVE - DID YOU PREPARE NOTES OF YOUR INTERVIEWS?

A. I HAVE A NOTEBOOK, YES.

Q. HAVE YOU HAD A CHANCE TO INTERVIEW THOSE NOTES AT ALL?

A. NOT SPECIFIC TO THAT INTERVIEW.

Q. IF YOU RECALL THE NOTES, COULD YOU TELL FROM THOSE NOTES -

A. WHO I SPOKE TO?

Q. THE DAY OF THE 28TH.

A. 29TH, YES.

Q. CAN YOU REVIEW THOSE NOTES AND TELL US YOUR BEST RECOLLECTION OF THAT?

A. WOULD YOU REPEAT THE LAST NAME OF THE PEOPLE AGAIN.

Q. IN REVIEW OF YOUR NOTES, CAN YOU TELL US NOW SOME OF THE OTHER PEOPLE YOU TALKED TO THAT DAY?

A. YES.

Q. WHO ELSE DID YOU TALK TO?

A. THERE WAS A DONALD HELMER, TAKEN AT 1605 HOURS, WHICH IS 4:00 P.M.

BRIEFLY, HE SAW ROBYN BETWEEN 5 AND 6:00 P.M. TALKING TO A MAN IN A LIGHT BLUE STEP VAN ICE CREAM TRUCK DESCRIBED AS A MALE NEGRO, APPROXIMATELY 24 YEARS OF AGE, 5 FOOT 8, MUSTACHE, NEEDED A SHAVE.

[2151] FELT THE TRUCK WAS POSSIBLY FROM PASADENA.

SPOKE, OF COURSE, TO MRS. SANCHEZ.

PIERTRINA SCOPAZZI.

SPOKE TO A DENISE ACLES. I DON'T HAVE THE TIME ON THIS.

Q. WHEN YOU TALKED TO MISS SCOPAZZI -

A. YES.

Q. MISS SCOPAZZI MENTIONED TO YOU ABOUT AN ICE CREAM TRUCK DRIVER WITH RED HAIR AND A RED BEARD, DID SHE NOT?

A. SHE MENTIONED THAT JERRY RAMOS WAS WITH THE VICTIM WHEN SHE SPOKE TO AN ICE CREAM MAN.

I DON'T HAVE IN MY NOTES THAT SHE DESCRIBED THE ICE CREAM MAN.

DO YOU WANT ANY OTHER NAMES OF PERSONS I SPOKE TO?

Q. YES, PLEASE.

A. MR. BILL STOKES, WHO IS THE CLINICAL SUPERVISOR OF THIS - I GUESS IT'S A TRANSITION HOUSE FOR THE MENTALLY ILL RIGHT THERE ON PHELAN, JUST NORTH OF THE VICTIM'S RESIDENCE.

THEY HAD AN INDIVIDUAL THAT HE FELT WAS SUSPICIOUS BECAUSE HE WAS NEW TO THE AREA.

IT TURNED OUT HE WAS A RECENT EMPLOYEE OF A HOSPITAL THAT SERVICES THIS MENTAL HALFWAY HOUSE, AND THAT HE HAD BEEN IN THE AREA THE DAY BEFORE, BUT TO VISIT WITH ONE OF THE PATIENTS THERE.

WOODY CURRY, WHO I HAVE INDICATED WHO ONLY [2152] BEING A RESIDENT AT THAT HOUSE. I DIDN'T GET ANY USEFUL STATEMENT FROM HIM.

DENISE ACLES, ALREADY MENTIONED.

SHE JUST SAW THE VICTIM AT AN UNKNOWN TIME IN THE AFTERNOON WITH ANOTHER FEMALE COMPANION. NOTHING FURTHER.

WENT TO A NUMBER OF RESIDENTS. THERE WAS NOBODY AT HOME.

SPOKE TO A CHRISTINA RUBIO, 10:30 IN THE MORNING.

AND SHE SAID THERE WAS A SUSPICIOUS VEHICLE IN THE NEIGHBORHOOD, DARK GREEN, TWO-DOOR WITH BLACK TOP, CONTAINING MALE MEXICAN, 5 FOOT 3, 5 FOOT 4. SHE SAID IT WAS AT THE PEDESTRIAN GATE AT THE SCHOOLYARD ON PHELAN. TALKED TO A CARL STOHL, RESIDENT THERE. HE HAD NO INFORMATION.

TOM GILBERT, I DON'T HAVE THE TIME ON THAT. PROBABLY IN THE MORNING HOURS.

NOTED THERE WAS A BROWN SEDAN THAT HAD BEEN IN FRONT OF THE SCHOOL, APPROXIMATELY 7:00 P.M., THE PREVIOUS DAY.

NO FURTHER INFORMATION.

SPOKE TO A 15 YEAR OLD ROQUE CARDENAS. APPARENTLY I SPOKE TO HIS FATHER WHO RELATED THAT HIS SON HAD BEEN PLAYING BASEBALL IN THE SCHOOLYARD THE PREVIOUS AFTERNOON.

HE MAY HAVE SEEN SOMETHING. I HAVE NOTHING FURTHER ON THAT.

[2153] ALICE VALDEZ, WHO INTRODUCED US OR ME TO THE GRANDDAUGHTER, LORETTA SABALA, 6 YEARS OLD.

HADN'T SEEN ANYTHING EXCEPT AN OLDER MAN PLAYING ON THE SCHOOL FIELD EVERY NIGHT. REFERRING TO WHAT I THINK WE ESTABLISHED LATER AS A GROUP THAT GET TOGETHER TO PLAY SOFTBALL.

JOHN BAKSYS AND HIS MOTHER. THEY DIDN'T GIVE ME ANY INFORMATION.

THAT'S ALL I HAVE IN MY NOTEBOOK REGARDING CONVERSATIONS WITH PERSONS IN THE NEIGHBORHOOD ON THAT PARTICULAR DAY.

Q. WHEN YOU TALKED TO PIETRINA SCOPAZZI, SHE TOLD YOU SOMETHING ABOUT AN ICE CREAM TRUCK DRIVER.

IS THAT RIGHT?

A. YES.

Q. WHAT DID SHE SAY TO YOU ABOUT AN ICE CREAM TRUCK DRIVER BEING INVOLVED?

A. BEING INVOLVED?

Q. IN ANY WAY IN THIS INSTANCE?

A. THAT WAS APPARENTLY HER SUSPICION BECAUSE JEREMY RAMOS HAD TOLD HER THAT ROBYN HAD MET WITH AN ICE CREAM TRUCK DRIVER.

Q. SHE INDICATED TO YOU THAT ROBYN HAD COME HOME FOR DINNER AROUND 5:45, 6 O'CLOCK FOR DINNER THAT NIGHT?

A. YES.

Q. AFTER THEN, SHE HAD GONE OUT AT NIGHT BY HERSELF SOMEWHERE AT DARK?

A. YES.

[2154] Q. AND JEREMY RAMOS INDICATED TO HER SHE WENT TO MEET THE ICE CREAM TRUCK DRIVER?

A. THAT SHE HAD GONE TO MEET THE ICE CREAM TRUCK DRIVER, YES.

Q. THEN YOU ALSO TALKED TO SHARON SANCHEZ.

SHE ALSO TOLD YOU THAT JEREMY DESCRIBED A PREARRANGED MEETING AT THE TIME WHEN ROBYN WENT BACK OUT AFTER DINNER.

JEREMY HAD DESCRIBED THAT SHE HAD A PREARRANGED MEETING?

A. NO. I BELIEVE TO MY RECOLLECTION IT WAS THAT JEREMY RAMOS HAD BEEN WITH ROBYN WHEN THEY HAD MET WITH THE ICE CREAM DRIVER WITH THE RED HAIR AND THE BUSHY BEARD.

BUT THAT HAD TO HAVE BEEN BEFORE DINNER BECAUSE RAMOS DID NOT LEAVE THE HOUSE WITH ROBYN.

Q. DIDN'T SHE ALSO INDICATE TO YOU THAT JEREMY HAD SAID AFTER DINNER ROBYN HAD GONE OUT TO A PREARRANGED MEETING WITH THE MAN IN THE ICE CREAM TRUCK?

A. YES THAT'S WHAT HE SAID.

Q. IT WAS PREARRANGED THAT SHE WAS GOING TO GO AFTER DINNER TO -

A. APPARENTLY.

Q. THAT'S WHAT YOU PUT IN YOUR POLICE REPORT?

A. YES.

Q. SHE DESCRIBED TO YOU THAT JEREMY SAID THAT ICE CREAM TRUCK DRIVER WAS A MAN, MALE NEGRO, KNOWN TO HAVE VEND ICE CREAM FOR A PERIOD OF TIME IN THE AREA?

[2155] A. YES.

Q. ALSO ON THE 28TH OF SEPTEMBER -

A. I WAS NOT INVOLVED IN THIS CASE ON THE 28TH.

Q. WAS THERE ANYTHING DONE ON THE 28TH OF SEPTEMBER, AROUND 11 O'CLOCK AT NIGHT?

A. BY BALDWIN PARK POLICE DEPARTMENT, YES.

Q. YOU WERE AWARE OF AN INVESTIGATION OF THE BALDWIN PARK POLICE DEPARTMENT?

A. THE SEARCH, YES. AND THE CIRCUMSTANCES SURROUNDING THE DISAPPEARANCE.

MR. DAUGHERTY: MAY I APPROACH, YOUR HONOR.

THE COURT: YES.

BY MR. DAUGHERTY:

Q. SHOWING YOU PAGE 8 OF THE POLICE REPORT.

MR. BURNS: MAY I ASK WHICH ONE?

MR. DAUGHERTY: NUMBER 34.

MR. BURNS: OKAY.

BY MR. DAUGHERTY:

Q. DO YOU RECOGNIZE THAT POLICE REPORT AS BEING A REPORT PREPARED BY THE INVESTIGATOR FROM THE SHERIFF'S DEPARTMENT?

A. YES. THIS IS A PAGE FROM ONE OF OUR SUPPLEMENTS, YES.

Q. IN THIS REPORT, IT MENTIONED THAT 11 O'CLOCK ON SEPTEMBER 28TH, INTENSIVE HOUSE TO HOUSE SEARCH WAS BEGUN IN THE NEIGHBORHOOD WHERE THE VICTIM HAD LIVED.

IS THAT CORRECT?

A. YES.

[2156] Q. AND THAT DURING THE COURSE OF THE HOUSE TO HOUSE SEARCH, MANY OF THE NEIGHBORS MADE REFERENCE TO A WHITE ICE CREAM TRUCK BEING DRIVEN BY A MAN WITH LONG RED HAIR AND A BUSHY BEARD WHO HAD

BEEN IN THE NEIGHBORHOOD ABOUT THE TIME OF THE DISAPPEARANCE OF THE GIRL?

A. YES.

Q. NOW, WHEN DID YOU RECEIVE THIS INFORMATION?

A. I DIDN'T RECEIVE ANY, TO MY RECOLLECTION, ANY FORMAL REPORTS FROM BALDWIN PARK UNTIL THE 30TH, OR MAYBE - WELL THE 30TH AT THE EARLIEST, SIR.

WHEN I RECEIVED THAT INFORMATION REGARDING THE VARIOUS PERSONS WHO IDENTIFIED THAT PERSON AS BEING IN THE AREA, I DON'T KNOW THAT I CAN REALLY RECALL WHEN I RECEIVED THAT INFORMATION.

Q. THERE WAS A MISSING PERSONS REPORT FILED ON ROBYN THE 28TH?

A. YES.

Q. DID YOU REVIEW THAT MISSING PERSONS REPORT?

A. FOR THE PURPOSES OF OBTAINING RESIDENCE ADDRESS, MOTHER'S NAME, CLOTHING DESCRIPTION.

I DON'T KNOW HOW MUCH DETAIL I WENT INTO ON THE INFORMATION CONTAINED RELATIVE TO THE DISAPPEARANCE OTHER THAN THE TIME AND THE LOCATION.

[2157] Q. WHEN DID YOU FIRST RECEIVE OR REVIEW THAT MISSING PERSONS REPORT?

A. PROBABLY UPON RETURNING TO THE BALDWIN PARK POLICE DEPARTMENT AFTER COMPLETING THE CRIME SCENE INVESTIGATION IN PASADENA AND THAT WOULD BE AROUND 7:30, EIGHT O'CLOCK ON THE MORNING OF THE 29TH.

Q. EARLY MORNING HOURS OF THE 29TH OF SEPTEMBER?

A. YES.

Q. FROM THAT MISSING PERSONS REPORT, THAT CONTAINED A REFERENCE TO ABOUT 5:30 IN THE AFTERNOON ON SEPTEMBER 28, WHEREIN A PARTICULAR ICE CREAM TRUCK AND DRIVER WAS INVOLVED IN AN ACCIDENT NEAR WHERE ROBYN LIVED.

ISN'T THAT CORRECT?

A. I DON'T THINK THAT WAS IN THAT REPORT. I THINK THAT WAS IN A SUPPLEMENTAL REPORT.

Q. I -

A. BECAUSE I GOT THAT INFORMATION ORALLY, INITIALLY. AND IT WAS IN RESPONSE TO MY INQUIRY OF BALDWIN PARK OFFICERS REGARDING ANY SOURCES OF IDENTIFICATION OF ANY ICE CREAM TRUCK DRIVERS THAT WERE IN THE AREA.

Q. OKAY.

IN THIS REPORT, DO YOU KNOW WHERE IT SAYS THIS ADDITIONAL INFORMATION IS ALSO CONTAINED IN THE MISSING PERSONS REPORT? IT CONTAINED A REFERENCE TO 531 HOURS SEPTEMBER 28,

1982, WHEREIN OFFICER HAMMOND OF THE BALDWIN PARK POLICE DEPARTMENT RESPONDED TO A TRAFFIC COLLISION.

[2158] DOESN'T YOUR REPORT INDICATE THAT THE MISSING PERSONS REPORT MADE REFERENCE TO THE ICE CREAM TRUCK ACCIDENT?

A. YES, IT DOES.

THIS REPORT WAS PREPARED ON OCTOBER 2ND. I INSTRUCTED THEM THAT THE INFORMATION RELATIVE TO THEIR REPORT SHOULD CONTAIN ANY INFORMATION THAT MIGHT BE SUBSTANCE TO THIS CASE IN THE FUTURE.

Q. WHEN YOU SAY THIS ADDITIONAL INFORMATION WAS ALSO CONTAINED IN THE MISSING PERSONS REPORT, WHAT ARE YOU TALKING ABOUT?

A. IT SHOULD BE WILL BE CONTAINED.

IT SAVES ACCOUNTING FOR ALL OFFICERS' BEHAVIOR IN ONE REPORT IF I HAVE AN EXPECTATION THAT THEY'RE GOING TO PREPARE A REPORT CONTAINING THIS INFORMATION.

Q. BUT YOU HAD SEEN A MISSING PERSONS REPORT. ONE HAD ALREADY BEEN PREPARED?

A. I DON'T - I CAN'T RECALL IF IT WAS A REPORT OR IT WAS A BULLETIN.

THE INFORMATION ON THE PAPER THAT I SAW EARLY IN THE MORNING HOURS OF SEPTEMBER 29 WAS IN THE FORM OF A BROADCAST. I DON'T

RECALL THAT IT HAD, IN FACT IT'S MY RECOLLECTION THAT IT DID NOT CONTAIN ANY REFERENCE TO THIS ACCIDENT.

Q. WELL, ARE YOU SAYING THAT THIS IS A BASICALLY AN ERROR IN THIS REPORT?

A. PERHAPS THE WAY IT'S WORDED, YES, BECAUSE I [2159] USE THAT EXPRESSION QUITE A BIT.

IF YOU READ WHERE WE ATTEND THE AUTOPSY, ADDITIONAL INFORMATION WILL BE CONTAINED IN A CORONER'S PROTOCOL THAT WILL BE PREPARED AND MADE A PART OF THIS FILE.

Q. SO WHERE IT SAYS THIS ADDITIONAL INFORMATION WAS ALSO CONTAINED IN THE MISSING PERSONS REPORT IT SHOULD BE WILL OR SHOULD BE -

A. SHOULD BE WILL BE CONTAINED, YES.

Q. WHAT ABOUT THE NEXT LINE, IT CONTAINED A REFERENCE TO 531 HOURS, 9/28/82.

A. IT IS IN REFERENCE TO THIS PARTICULAR INFORMATION, YES. BUT NO, I DO NOT RECALL RECEIVING A PREPARED, A FINISHED REPORT ON THE 29TH, A COMPLETED REPORT.

I WAS GIVEN INFORMATION FROM A NUMBER OF SOURCES AND A NUMBER OF DIFFERENT INSTANCES CONCERNING A NUMBER OF DIFFERENT OBSERVATION.

Q. IS THERE A REPORT WHICH CONTAINED AS IT SAYS HERE REFERENCE TO THIS ACCIDENT TO A

DESCRIPTION OF THE ICE CREAM TRUCK AND DESCRIPTION THAT THE DRIVER WAS IN EXCESS OF SIX FEET OVER 200 POUNDS, REDDISH HAIR, LONG BUSHY BEARD.

IS THERE SOME REPORT THAT CONTAINED THAT, SOME KIND OF MISSING PERSONS REPORT?

A. SOME KIND OF MISSING PERSONS REPORT?

Q. YES.

A. SUPPLEMENTAL TO MISSING PERSONS [2160] INVESTIGATION, WHICH BECAME A HOMICIDE INVESTIGATION.

THAT INFORMATION IN ITSELF WOULD NOT BE IN A MISSING PERSONS REPORT. THAT WOULD BE IN A SUPPLEMENTAL INVESTIGATIVE REPORT WHEREIN THE TITLE FULLY BECOMES A HOMICIDE INVESTIGATION.

Q. THIS REPORT WAS WRITTEN BY YOU OR DETECTIVE PATTERSON?

A. YES.

IT INVOLVES THE THREE INVESTIGATORS DICTATING VARIOUS PORTIONS OF THE REPORT TO A STENOGRAPHER.

Q. AT LEAST BY OCTOBER 2ND WHEN THIS REPORT WAS DICTATED OR DOES THAT MEAN TYPED?

A. THAT WOULD BE WHEN IT WAS DICTATED.

Q. WHEN IT WAS DICTATED YOU HAD INFORMATION THAT ON THE MORNING HOURS OF SEPTEMBER 28, 1982 THERE HAD BEEN A HOUSE-TO-HOUSE SEARCH AND THAT THERE HAD BEEN REFERENCES TO A WHITE ICE CREAM TRUCK, A MAN WITH RED HAIR, BUSHY BEARD, AT LEAST ON THIS DATE YOU WERE AWARE OF THAT?

MR. BURNS: OBJECTION, YOUR HONOR.

I THINK COUNSEL IS MIXING - I WITHDRAW THE OBJECTION, I'M SORRY.

THE COURT: BY THE DATE, YOU MEAN THE 30TH?

MR. DAUGHERTY: BY OCTOBER 2ND THE DATE THIS WAS WRITTEN.

Q. AT LEAST ON THIS DATE YOU HAD INFORMATION THAT ON THE MORNING OF SEPTEMBER 28 THERE HAD BEEN THIS HOUSE-TO-HOUSE SEARCH?

A. SHE WASN'T MISSING UNTIL THE EVENING OF THE [2161] 28TH.

Q. WHAT I'M SAYING IS, THE EVENING OF THE 28TH LET'S SAY. YOU HAD INFORMATION THAT ON THE EVENING OF THE 28TH -

A. THERE HAD BEEN A HOUSE-TO-HOUSE SEARCH.

Q. BASED ON THAT HOUSE-TO-HOUSE SEARCH, THERE HAD BEEN INFORMATION ABOUT A PARTICULAR ICE CREAM TRUCK DRIVER WITH A WHITE VAN AND RED HAIR AND A BUSHY RED BEARD?

A. NO. NO.

THE -

Q. MAYBE YOU'RE NOT UNDERSTANDING MY QUESTION.

A. I DO UNDERSTAND YOUR QUESTION.

THAT CUMULATIVE RESULTS OF THEIR HOUSE-TO-HOUSE SEARCH WAS OF NO PARTICULAR, YOU KNOW, SPECIFIC VALUE TO ME.

I HAD TO BEGIN AT THE BEGINNING. I HAD TO START FROM SQUARE ONE. IF THERE WAS ANY REFERENCE TO ANY PERSONS, THEN I WOULD HAVE TO REQUIRE THE IDENTIFICATION OF SOMEBODY THAT GAVE INFORMATION THAT WOULD REQUIRE ME TO FOLLOW-UP.

AND THEN I WOULD HAVE TO HAVE CONTACTED THE PERSONS THAT PROVIDED THAT INFORMATION SO THAT I COULD EVALUATE THE VALUE OF THAT.

I WOULD NOT GO ON AN INFORMATION SUBMITTED TO ME THAT, HEY, A WHOLE BUNCH OF PEOPLE HAVE BEEN OUT AND WE KNOW THAT THIS WHITE ICE CREAM TRUCK IS INVOLVED IN THE DISAPPEARANCE.

[2162] THAT'S RUNNING OFF ON SOMETHING THAT CAN'T EVEN BE ESTABLISHED AS TO ITS ORIGIN.

Q. WHAT MY POINT IS, IS THAT ON OCTOBER 2ND WHEN YOU WROTE THIS REPORT, AT THAT

TIME, YOU FELT YOU HAD ENOUGH OF THAT INFORMATION TO INCLUDE A PARAGRAPH IN THE REPORT?

A. IT SUBSTANTIATED THINGS WE HAD FOUND OUT, YES.

Q. AND THAT YOU MENTIONED IN YOUR REPORT HERE THAT AT LL [sic] O'CLOCK AT NIGHT, SEPTEMBER 28, 1982, THAT THIS HOUSE-TO-HOUSE SEARCH WAS BEGUN; THAT CERTAIN INFORMATION WAS NOTED AND RECORDED.

A REFERENCE WAS MADE TO A WHITE ICE CREAM TRUCK BEING DRIVEN BY A LARGE MAN WITH RED HAIR, BUSHY RED BEARD.

MY QUESTION IS: WHEN DID YOU RECEIVE THE INFORMATION THAT ALLOWED YOU TO WRITE THIS PARAGRAPH? WHEN DID YOU KNOW ABOUT THE HOUSE-TO-HOUSE SEARCH?

A. I KNEW ABOUT THE HOUSE-TO-HOUSE SEARCH THE NEXT DAY ON THE 29TH.

Q. OKAY.

SO YOU KNEW THAT BEFORE -

A. BUT I DIDN'T KNOW OR RECORD ANY SIGNIFICANT, SUSPICIOUS VEHICLE OR REFERENCE TO ANY PARTICULAR VEHICLE BECAUSE IT WAS - IT WAS IN KIND OF A CUMULATIVE INFORMATION.

NOBODY SAID GO SEE - MR. JOE SMITH SAW THE ICE CREAM TRUCK AND SAW ROBYN JACKSON AT

THE ICE CREAM [2163] TRUCK. I WOULD HAVE CERTAINLY RESPONDED TO THAT TYPE OF INFORMATION.

SO I CAN'T EVEN INDICATE THAT I RECEIVED THE INFORMATION ON THE 29TH THAT THERE WAS - THAT THERE WAS INFORMATION REGARDING AN ICE CREAM TRUCK FROM A NUMBER OF RESIDENTS OR WHOEVER THEY CONTACTED.

Q. DO YOU KNOW WHO GAVE YOU THIS INFORMATION AT ALL?

A. IT'S PROBABLY CONTAINED IN THE SUBSEQUENT REPORTS THAT I RECEIVED FROM BALDWIN PARK.

MR. DAUGHERTY: MAY I HAVE JUST A MOMENT, YOUR HONOR?

THE COURT: YES.

BY MR. DAUGHERTY:

Q. DID YOU AT SOME POINT IN TIME DURING THE INVESTIGATION TALK TO OFFICER HAMMOND ABOUT HIS FINDINGS, HIS INTERVIEWS?

DO YOU KNOW THE OFFICER I'M REFERRING TO?

A. I RECOGNIZE THE NAME.

I'D HAVE TO SAY THAT I MAY HAVE HAD CONTACT WITH HIM.

Q. DID YOU MAKE ANY NOTES ABOUT A CONTACT YOU HAD WITH OFFICER HAMMOND OR WHAT HE MAY HAVE TOLD YOU?

A. I DON'T BELIEVE SO, BUT I WILL LOOK.

UP UNTIL OCTOBER 1ST, 1981, I HAVE NO INDICATION THAT I SPOKE TO OFFICER HAMMOND.

HOWEVER, I DON'T KNOW THE OFFICER'S NAME OR RECALL THE OFFICER'S NAME THAT TOLD ME THAT HE HAD [2164] INFORMATION REGARDING THE ACCIDENT, THE ACCIDENT THAT LED ME TO COME UP WITH THE NAME OF ROBERT STANSBURY, THE PRIVATE PROPERTY DAMAGE.

Q. YOU DID SEE OFFICER HAMMOND'S REPORT AT SOME POINT IN TIME REGARDING HIS INTERVIEWS?

A. YES. ABSOLUTELY.

Q. YOU KNOW WHEN YOU SAW THAT REPORT?

A. I DON'T REMEMBER SEEING -

MR. BURNS: YOUR HONOR, AT THIS POINT I'LL OBJECT.

IF COUNSEL HAS A REPORT HE'S REFERRING TO, HE OUGHT TO GIVE IT TO THE WITNESS, SO THE WITNESS CAN LOOK AT WHICH REPORT WE'RE TALKING ABOUT, SO THAT WE'RE NOT SPECULATING ABOUT SOMETHING.

IF WE'RE TALKING ABOUT PAGE TWO OF OFFICER HAMMOND'S REPORT WHICH CONTAINS THE STATEMENTS OF RANDY HASTINGS, I HAD SPECIFICALLY SHOWN THAT REPORTS TO THIS OFFICER THIS MORNING ON REDIRECT EXAMINATION.

AND THE OFFICER INDICATED HE HAD NOT REVIEWED THAT REPORT PRIOR TO THE CONDUCTING OF THIS INTERVIEW. AND I BELIEVE THAT'S WHAT COUNSEL IS LOOKING AT AT THIS POINT IN TIME.

NOW, UNLESS THEY'RE TALKING ABOUT SOME OTHER REPORTS, AT THIS POINT THE QUESTION IS VAGUE AS TO WHAT REPORT AND I'D OBJECT TO THAT BASIS.

MR. DAUGHERTY: WE'RE TALKING ABOUT OFFICER HAMMOND'S REPORT. THE OFFICER SEEMS TO KNOW WHAT I'M REFERRING TO.

MR. BURNS: ON THAT POINT I'LL OBJECT BECAUSE I [2165] DON'T KNOW WHAT REPORT YOU'RE TALKING ABOUT THERE. THERE ARE AT LEAST THREE REPORTS BY OFFICER HAMMOND THAT I'M AWARE OF.

MR. DAUGHERTY: I'M NOT SURE IF THERE'S A LEGAL OBJECTION.

THE COURT: I'M GOING TO SUSTAIN IT IF HE DOESN'T KNOW WHERE YOU ARE, SO YOU CAN BRING US ALL CURRENT.

MR. DAUGHERTY: MAY I APPROACH, YOUR HONOR?

THE COURT: YES, YOU MAY.
BY MR. DAUGHERTY:

Q. OFFICER, SHOWING YOU A THREE-PAGE REPORT, APPEARS TO BE WITH ONE, TWO AND

THREE FROM BALDWIN PARK POLICE DEPARTMENT,
SIGNED BY OFFICER M. HAMMOND, DATED SEPTEMBER 29, 1982.

ARE YOU FAMILIAR WITH THAT REPORT? HAVE YOU SEEN THAT REPORT BEFORE?

A. YES.

Q. NOW, THE FIRST PAGE IS ENTITLED MISSING - IS THAT JUST A COPY OF THE MISSING PERSONS REPORT?

A. THIS IS - IT'S LABELED MISSING PERSONS REPORT. IT'S ALL LABELED MISSING PERSONS REPORT, YES.

Q. IS THIS THE MISSING PERSONS REPORT YOU WERE REFERRING TO IN YOUR POLICE REPORT THAT WE REFERRED TO A FEW MINUTES AGO, IF YOU KNOW?

A. WELL, IF IT CONTAINS INFORMATION RELATIVE TO STANSBURY'S ACCIDENT, THEN THAT IS THE ONE I'M REFERRING TO.

Q. DID YOU EVER TALK TO RAY COOLEY ABOUT THIS [2166] CASE?

A. I CAN'T RECALL.

THE NAME SOUNDS -

Q. THE PERSON I'M REFERRING TO IS RANDY HASTING'S GRANDFATHER? OR RANDY HASTINGS, DID YOU TALK TALK TO EITHER OF THOSE TWO PERSONS?

A. NOT THAT I RECALL.

Q. OKAY.

MR. DAUGHERTY: I HAVE NOTHING FURTHER.

THE COURT: MR. BURNS?

MR. BURNS: YES, YOUR HONOR.

REDIRECT EXAMINATION +

BY MR. BURNS:

Q. OFFICER, FOR THE MOMENT, DIRECTING YOUR ATTENTION TO PAGE EIGHT OF YOUR OCTOBER 2ND REPORT, I'D ASK THAT YOU READ THE REMAINDER OF THE PARAGRAPH THAT DEFENSE COUNSEL SHOWED YOU BEFORE.

A. BEGINNING HERE?

Q. YES, PLEASE.

A. "AT 2300 HOURS, SEPTEMBER 28, 1982 AN INTENSIVE HOUSE-TO-HOUSE SEARCH WAS BEGUN. DURING THE COURSE OF THE HOUSE-TO-HOUSE SEARCH, CERTAIN INFORMATION WAS NOTED AND ALSO RECORDED IN THIS REPORT. A REFERENCE WAS MADE TO A WHITE ICE CREAM TRUCK BEING DRIVEN BY A LARGE MAN WITH LONG RED HAIR AND A BUSHY RED BEARD WHO HAD BEEN OBSERVED IN THE NEIGHBORHOOD PRIOR TO - IN CLOSE PROXIMITY TO THE TIME OF THE DISAPPEARANCE OF THE GIRL."

[2167] THERE WAS ALSO REFERENCE TO A SMALL BLUE PICKUP TRUCK WHICH WAS PARKED IN CLOSE PROXIMITY TO 4511 PHELAN BETWEEN THE HOURS OF 2:00 P.M. AND 6:00 P.M. ON TUESDAY, 9/28/82. ALSO, AN OLDER MAN PUSHING AN ICE CREAM CART HAD BEEN NOTED IN THE VICINITY AT APPROXIMATELY 5:30 P.M. ON TUESDAY."

Q. THANK YOU.

OFFICER, BASED ON THAT PARAGRAPH, I UNDERSTAND YOUR TESTIMONY THAT YOU'RE NOT FAMILIAR WITH EXACTLY WHEN THIS INFORMATION WAS RECEIVED. APPARENTLY SOMETIME DURING THE HOUSE-TO-HOUSE SEARCH SOMEONE TALKED ABOUT AN OLD MAN PUSHING AN ICE CREAM CART.

IS THAT RIGHT?

A. YES, SIR.

Q. SOMEONE ALSO TALKED ABOUT SOMEONE USING A BLUE PICKUP TRUCK IN THE AREA.

IS THAT RIGHT?

A. YES, SIR.

Q. WE ALSO NOTE THAT THERE IS A COMMENT CONCERNING A WHITE MAN, LARGE WITH RED BUSHY BEARD BEING IN AND AROUND THE NEIGHBORHOOD.

IS THAT RIGHT?

A. THAT'S CORRECT.

Q. NOW, BESIDES JUST THAT GENERAL REFERENCE, YOU IN FACT KNEW THERE WAS SUCH A PERSON IN AND AROUND THE NEIGHBORHOOD, DID YOU NOT?

A. YES.

Q. AND YOU KNEW THAT FROM YOUR INTERVIEWS WITH [2168] JEREMY RAMOS.

IS THAT RIGHT?

A. THAT'S CORRECT.

Q. SPECIFICALLY WITH REGARDS TO WHAT YOU LEARNED FROM JEREMY RAMOS, LET'S CLEAR UP A FEW DETAILS.

THIS PIETRINA SCOPAZZI, WHAT WAS HER RELATIONSHIP TO JEREMY RAMOS, DO YOU RECALL, THE MOTHER?

A. THE MOTHER.

MR. DAUGHERTY: OBJECTION - NEVER MIND, WITHDRAW IT.

BY MR. BURNS:

Q. WAS SHE THE MOTHER OF JEREMY RAMOS?

A. YES.

Q. NOW, BASICALLY YOU TALKED TO PIETRINA SCOPAZZI AND TO MRS. SANCHEZ.

IS THAT CORRECT?

A. YES.

Q. AND AFTER THAT CONVERSATION WITH THOSE TWO LADIES, YOU ACTUALLY TALKED TO JEREMY RAMOS.

IS THAT RIGHT?

A. CORRECT.

Q. AND PIETRINA SCOPAZZI AND MRS. SANCHEZ, THEIR INFORMATION TO YOU WAS BASED ON WHAT THEY HEARD FROM JEREMY RAMOS.

IS THAT RIGHT?

MR. DAUGHERTY: OBJECT TO LEADING QUESTIONS CONSISTENTLY USED THIS LINE OF QUESTIONING.

THE COURT: SUSTAINED.

[2169] BY MR. BURNS.

Q. WHAT WAS THE SOURCE OF THE INFORMATION THAT PIETRINA SCOPAZZI AND MRS. SANCHEZ HAD FOR YOU?

A. THEY WERE RELAYING INFORMATION THEY HAD OBTAINED FROM JEREMY RAMOS.

Q. SO THAT THE ONLY TRUE WITNESS TO THE ACTS INVOLVED WAS THEN WHOM AT THAT POINT IN TIME TO YOUR KNOWLEDGE?

A. JEREMY RAMOS.

Q. AND DID YOU THEN SUBSEQUENTLY HAVE A CONVERSATION WITH JEREMY RAMOS?

A. YES.

Q. THAT WAS BEFORE MEETING MR. STANSBURY OR HAVING A CONVERSATION WITH MR. STANSBURY?

A. YES.

Q. AND HIS INDICATION TO YOU WAS THAT THE OBSERVATION OF THE COMMUNICATION HE SAW BETWEEN THIS WHITE MAN WITH A RED BEARD AND THE VICTIM OCCURRED SOMETIME BEFORE DINNER.

IS THAT RIGHT?

MR. DAUGHERTY: OBJECTION, LEADING.

MR. BURNS: YOUR HONOR, I CAN'T LEAD EXCEPT TO ESTABLISH A TIME FRAME AND ASK THE QUESTION AS TO WHETHER OR NOT THE CONVERSATION DEALT WITH THAT TIME FRAME.

THE COURT: SUSTAINED.

BY MR. BURNS:

Q. WHAT INFORMATION DID HE GIVE YOU CONCERNING WHEN HE SAW THIS WHITE MAN AND RED BEARD?

[2170] A. HE INDICATED HE WAS IN COMPANY WITH ROBYN JACKSON PRIOR TO THEIR GOING INTO DINNER, AT WHICH TIME HE OBSERVED ROBYN JACKSON HAVING A CONVERSATION WITH THE MAN, THE WHITE MAN WITH THE RED BEARD.

Q. ALL RIGHT.

DID HE INDICATE THAT HE SAW OR - STRIKE THAT.

DID HE INDICATE THAT THAT WAS THE LAST TIME THAT HE SAW THE VICTIM?

A. NO.

Q. WHAT DID HE INDICATE HAPPENED TO THE VICTIM FROM THEN, ACCORDING TO HIS KNOWLEDGE?

A. AFTER THE VICTIM COMPLETED HER MEAL, SHE LEFT. JEREMY RAMOS TRIED TO GO WITH HER WHEN SHE LEFT HER RESIDENCE.

SHE STOPPED HIM AND TOLD HIM THAT HE COULD NOT ACCOMPANY HER -

Q. LET ME - I'M NOT SURE YOU UNDERSTOOD THE QUESTION THAT'S WHY I'M INTERRUPTING YOU.

MR. DAUGHERTY: I'D LIKE TO HAVE THE REST OF THE ANSWER IN.

MR. BURNS: I'LL WITHDRAW THE QUESTION THEN.

MR. DAUGHERTY: THE QUESTION'S PARTIALLY ANSWERED.

THE COURT: READ THE QUESTION AND THE ANSWER BACK TO ME.

(LAST QUESTION AND PARTIAL ANSWER WAS READ BACK.)

THE COURT: OVERRULED. YOU MAY ANSWER. FINISH THE ANSWER.

[2171] THE WITNESS: SO JEREMY RAMOS WATCHED ROBYN JACKSON GO NORTHBOUND ON

PHELAN AND CONTACT THE DRIVER OF A BLUE ICE CREAM TRUCK THAT HE THOUGHT WAS A MALE NEGRO.

BY MR. BURNS:

Q. IS THAT THE LAST TIME JEREMY INDICATED HE HAD ANY CONTACT OR ANY KNOWLEDGE AS TO ROBYN'S LOCATION?

A. YES.

Q. AND THAT WAS THE LAST TIME HE SAW HER WAS GOING IN THIS DIRECTION TOWARDS SOMEONE MATCHING THE DESCRIPTION OTHER THAN MR. STANSBURY?

A. ACTUALLY CONVERSING WITH.

Q. WAS THERE ANYONE TO YOUR KNOWLEDGE ON THE 29TH PRIOR TO MEETING MR. STANSBURY, PRIOR TO YOUR MEETING MR. STANSBURY, WHO HAD INDICATED ANYTHING TO YOU CONCERNING THIS VICTIM HAVING A CONVERSATION OR BEING IN CONTACT WITH ANYONE MATCHING THIS DEFENDANT'S DESCRIPTION AT SOME POINT IN TIME AFTER DINNER ROUGHLY CONTEMPORANEOUS WITH HER DISAPPEARANCE?

A. NO.

MR. BURNS: NO FURTHER QUESTIONS.

THE COURT: ANYTHING FURTHER?

MR. DAUGHERTY: NOT AT THIS TIME, YOUR HONOR.

PERHAPS THIS WOULD BE A GOOD TIME TO TAKE A VERY SHORT BREAK TO REVIEW THOSE PHOTOGRAPHS.

THE COURT: FINE. YOU MAY STEP DOWN, OFFICER.

WE'LL TAKE A SHORT BREAK TO LOOK AT THE PHOTOGRAPHS. LET ME KNOW WHEN YOU'RE READY.

MR. BURNS: YOUR HONOR, THE COURT MAY ALSO WANT TO [2172] CONSIDER SOMETHING ELSE THAT MR. DAUGHERTY HAD ASKED CONCERNING SCHEDULING, IF YOU WANTED TO BRING THAT OUT AT THIS POINT TO MAKE A DECISION.

MR. DAUGHERTY: YES.

MR. BURNS: THIS WOULD BE A GOOD TIME.

MR. DAUGHERTY: YES.

THIS WOULD BE A GOOD TIME.

THE COURT HAD INDICATED TO US SEVERAL WEEKS AGO THAT OR SOMETIME AGO THAT THERE WERE GOING TO BE TWO BREAKS IN THE TRIAL PROCESS. ONE BEING NOVEMBER 21ST TO NOVEMBER 28TH, ONE BEING DECEMBER 25TH TO JANUARY 2ND.

THE COURT: I'LL BE HERE ON THE 21ST.

MR. DAUGHERTY: RIGHT.

WHEN I SAY THE 21ST, I'M TALKING ABOUT FIVE O'CLOCK ON THE 21ST UNTIL THE 29TH, I GUESS.

THE COURT: RIGHT.

MR. DAUGHERTY: OF NOVEMBER AND ALSO A BREAK OVER CHRISTMAS FROM DECEMBER 25TH UNTIL JANUARY 2ND.

THE COURT: YES.

MR. DAUGHERTY: AND WITH THAT IN MIND, SINCE I HAD NOT HAD A VACATION IN ABOUT TWO YEARS, I ATTEMPTED TO MAKE PLANS TO TAKE ONE OF THOSE TWO WEEKS OFF, PERIODS OF TIME OFF. AND THE ONLY PROBLEM I HAVE RUN INTO IS THAT IN TAKING EITHER ONE OF THOSE WEEKS OFF IT'S GOING TO INVOLVE AN EXTRA DAY TO TAKE OFF.

NOW, I DISCUSSED IT WITH MR. BURNS BECAUSE HE MIGHT HAVE BEEN MAKING THE SAME KIND OF PLANS AND I CAN TAKE A VACATION EITHER THE 22ND THROUGH THE 29TH WHICH [2173] WOULD MEAN ONE ADDITIONAL DAY OR I COULD TAKE A VACATION FROM THE 25TH OF DECEMBER THROUGH THE 4TH OF JANUARY. AND EITHER ONE OF THOSE WEEKS WOULD BE FINE WITH ME.

MR. BURNS HAD SOME IDEAS ALONG THAT LINE.

MR. BURNS: YOUR HONOR, THE ONLY COMMENT I MADE TO MR. DAUGHERTY, AND I WILL MAKE TO THIS COURT IS, OBVIOUSLY I'M WILLING TO WORK WITH MR. DAUGHERTY AND THE COURT.

BUT JUST IN VIEW OF MY CONCERN WHICH WOULD PRIMARILY BE FOR THE JURORS OR PROSPECTIVE JURORS IN THIS CASE, AND WHAT DIFFICULTY WE MAY OR MAY NOT HAVE IN SELECTING JURORS IS THAT CHRISTMAS AND NEW YEARS FALL ON TUESDAY THIS YEAR.

IT SEEMS TO ME APPROPRIATE THAT WE WOULD BREAK EITHER THE THURSDAY OR FRIDAY OF THE WEEKENDS BEFORE THE CHRISTMAS WEEKENDS THAT THERE WAS NO REASON TO COME BACK MONDAY THE 24TH CHRISTMAS EVE DAY FOR ONE DAY'S MATTERS.

THAT WE WOULD THEN BREAK EFFECTIVELY EITHER THE 20TH OR 21ST WHICH WOULD BE THE THURSDAY OR FRIDAY BEFORE THE WEEK OF CHRISTMAS AND THEN RETURN THE MONDAY AFTER YEARS BECAUSE THAT WOULD THEN BE FOR PROSPECTIVE JURORS, COUNSEL AND ALL MEMBERS OF THIS CASE A SOLID TWO WEEK BREAK AROUND THE HOLIDAY TIME FRAME.

THE COURT: MY FEELING IS THAT WE WOULD, THE LAST TIME WE MET ON THIS CASE WOULD BE THE 20TH OF DECEMBER AND THAT WE WOULD RECONVENE ON THE SECOND OF JANUARY.

NOW THAT 20TH IS -

MR. DAUGHERTY: THAT'S WHAT THE COURT HAD [2174] INDICATED. WHAT MR. BURNS I THINK WAS INDICATING THAT IT MIGHT BE APPROPRIATE TO GO OVER UNTIL THE 7TH OF JANUARY.

THE COURT: THE SEVENTH?

THE COURT: TWO FULL WEEKS.

MR. DAUGHERTY: TO GIVE THE JURORS THAT PERIOD OF TIME OFF.

MR. BURNS: WHATEVER THE COURT WISHES TO DO.

THE COURT: WELL, THAT'S ALMOST THREE FULL WEEKS.

MR. BURNS: I BELIEVE THAT'S TWO, YOUR HONOR.

THE COURT: WELL, FROM THE 21ST TO THE 28TH IS A WEEK. THE 21ST TO THE 27TH IS A WEEK AND THEN FROM THE 28TH TO THE SECOND IS ANOTHER FIVE DAYS.

I'LL ACCOMMODATE YOU GENTLEMEN. I UNDERSTAND YOU NEED VACATIONS. IT SEEMS TO ME TWO AND A HALF, THREE WEEKS BREAK MIGHT BE A LITTLE MUCH.

IF THAT'S THE ONLY TIME YOU'VE GOT, WE'LL CONSIDER IT.

MR. BURNS: YOUR HONOR, I WAS JUST THINKING OF PICKING A JURY. I KNOW A LOT OF JURORS LIKE TO TAKE VACATIONS DURING THE CHRISTMAS HOLIDAYS AND IF WE'RE GOING TO PICK A JURY AND INDICATE THEY'RE GOING TO BE WORKING THROUGH CHRISTMAS WHICH IS CLEARLY WHAT'S GOING TO TAKE PLACE -

THE COURT: I DIDN'T MEAN THAT. IF WE BREAK ON THE 20TH, IF THE LAST DAY WE MEET IS

THE 20TH THAT'S FIVE DAYS BEFORE CHRISTMAS. WE COME BACK A DAY OR TWO AFTER THE FIRST OF THE YEAR.

MR. BURNS: I WOULD JOIN IN DEFENSE COUNSEL'S [2175] REQUEST THAT WE COME BACK ON JANUARY THE 7TH, ASSUMING THERE'S NO OBJECTION. IF WE BREAK ON THE 20TH OF DECEMBER AND COME BACK ON THE 7TH OF JANUARY.

MR. DAUGHERTY: MY REASON IS THAT - AND MR. STANSBURY ALSO WOULD JOIN IN THE REQUEST ALSO I MIGHT NOTE FOR THE RECORD.

THE COURT: I DON'T THINK HE'S GOING ANY PLACE.

MR. DAUGHERTY: NO.

AND MY REASONS WERE JOINT FOR ASKING FOR THE - TWO REASONS.

THE COURT: THAT'S FINE, GENTLEMEN. I'M NOT GOING TO ARGUE WITH YOU. THAT'S FINE.

WHEN WE GET DOWN TO THAT POINT, YOU CAN RELY - WE'LL BREAK ON - THE 20TH WILL BE THE LAST DAY BEFORE THE 7TH.

MR. DAUGHERTY: I THOUGHT IT WOULD BE REFRESHING TO HAVE MR. BURNS AND I JOIN IN SOMETHING ON THIS CASE TOGETHER.

IT'S A JOINT REQUEST.

THE COURT: YES. THANK YOU.

MR. BURNS: ALWAYS WILLING TO COOPERATE.

THE COURT: THANK YOU, GENTLEMEN.
LET ME KNOW WHEN YOU'RE READY.

(RECESS)

[2176] MR. BURNS: YES, YOUR HONOR, ON THE ISSUE OF THE PHOTOGRAPHS, MR. STANSBURY HAS HAD A CHANCE TO GO THROUGH THE PHOTOGRAPHS WHICH I HAVE.

HE HAS INDICATED THAT A NUMBER OF THE PHOTOGRAPHS WHICH I HAVE ARE DUPLICATES.

HE'S INDICATED THAT HE HAS AT LEAST ONE COPY OF ALL OF THE PHOTOGRAPHS WHICH I HAVE EXCEPT FOR THERE'S EIGHT WHICH I HAVE IN MY HAND, AND I AM NOW HANDING HIM THESE EIGHT PHOTOGRAPHS FOR THE RECORD.

IT IS MY UNDERSTANDING AT THAT POINT IN TIME THAT MR. STANSBURY AGREES THAT THE PHOTOGRAPHS WHICH I HAVE SHOWN HIM AS THE PASADENA PHOTOGRAPHS, HE HAS AT LEAST ONE COPY OF WHAT I HAVE.

DEFENDANT STANSBURY: I WOULD SO STIPULATE, YOUR HONOR.

THANK YOU, MR. BURNS.

THE COURT: THANK YOU.

MR. BURNS: WITH REGARD TO EVIDENCE ON THE MIRANDA MOTION, I BELIEVE MR. JOHNSTON HAS BEEN CONCLUDED AT THIS TIME.

HIS TESTIMONY BEING CONCLUDED, THE PEOPLE HAVE NO FURTHER EVIDENCE TO PRESENT ON THIS MOTION.

THE COURT: MR. DAUGHERTY?

MR. DAUGHERTY: VERY BRIEFLY, YOUR HONOR.

WE WANTED SERGEANT HIGGENBOTHAM, VERY BRIEFLY.

DEFENDANT STANSBURY: YOUR HONOR, MAY I ASK THAT THIS DIAGRAM BE REMOVED FROM THE BOARD BEFORE SERGEANT [2177] HIGGENBOTHAM COMES TO THE STAND?

THE COURT: YES. WOULD YOU COVER THAT UP, MR. BURNS.

MR. BURNS: YES, YOUR HONOR.

THE COURT: THANK YOU.

THE RECORD SHOULD REFLECT THAT THERE ARE NO DIAGRAMS IN THE COURTROOM OR ANY EVIDENCE VISIBLY DISPLAYED.

DANIEL HIGGENBOTHAM, + A DEFENSE WITNESS, HAVING BEEN FIRST DULY SWORN, TESTIFIES AS FOLLOWS:

THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD.

THE WITNESS: I DO.

THE CLERK: TAKE THE WITNESS STAND.

STATE YOUR NAME FOR THE RECORD AND SPELL YOUR LAST NAME?

THE WITNESS: DANIEL HIGGENBOTHAM. H-I-G-G-E-N-B-O-T-H-A-M.

THE COURT: YOU MAY PROCEED.

MR. DAUGHERTY: MR. STANSBURY IS GOING TO CONDUCT THIS EXAMINATION.

THE COURT: MR. STANSBURY, YOU MAY PROCEED, SIR.

[2178] DIRECT EXAMINATION +
BY DEFENDANT STANSBURY:

Q. SERGEANT HIGGENBOTHAM, I BELIEVE YOU ARE CURRENTLY EMPLOYED BY THE BALDWIN PARK POLICE DEPARTMENT. IS THAT CORRECT?

A. YES, SIR.

Q. WERE YOU EMPLOYED BY THEM ON SEPTEMBER THE 29TH OF 1982?

A. YES, SIR, I WAS.

Q. ON THAT DATE DID YOU RECEIVE ANY INFORMATION CONCERNING MYSELF IN THIS CASE?

A. YES, SIR, I DID.

Q. COULD YOU PLEASE RELATE WHAT THAT INFORMATION WAS?

A. I WAS ASKED TO RESPOND TO AN ADDRESS ON MISSION ALONG WITH DETECTIVE JOE LEE, RESERVE OFFICER GRAY AND MULCAHY TO SEE IF WE COULD LOCATE OR CONTACT A ROBERT STANSBURY AND HAVE HIM COME TO THE POMONA POLICE DEPARTMENT BECAUSE LOS ANGELES SHERIFF'S DEPARTMENT HOMICIDE WANTED TO QUESTION HIM.

Q. CAN YOU SPECIFY WHO IN THE LOS ANGELES SHERIFF'S DEPARTMENT REQUESTED THIS OF YOU?

A. SERGEANT JOHNSTON.

Q. WERE YOU TOLD ANYTHING AT THAT TIME RELATING TO THE ALLEGED CRIME WITHIN THIS MATTER?

A. NO, SIR.

Q. WERE YOU GIVEN ANY OTHER INFORMATION?

A. NO, SIR.

[2179] Q. WERE YOU GIVEN ANY SPECIFIC INSTRUCTIONS CONCERNING BRINGING THE INDIVIDUAL IN QUESTION IN?

A. NO SPECIFIC INSTRUCTIONS OTHER THAN TO SEE IF WE COULD LOCATE ROBERT STANSBURY, SEE IF HE WOULD RESPOND THE POMONA POLICE DEPARTMENT.

Q. YOU WERE GIVEN NO OTHER INSTRUCTIONS IN ANYWAY WHATSOEVER OTHER THAN THAT?

A. NO, SIR.

DEFENDANT STANSBURY: ONE MOMENT, YOUR HONOR.

Q. ARE YOU SAYING THAT YOU WERE GIVEN NO INSTRUCTIONS TO BRING ME TO THE POLICE DEPARTMENT AT ALL?

A. WE WERE SENT TO THE TRAILER PARK TO LOCATE ROBERT STANSBURY AND HAVE HIM RESPOND TO THE POMONA POLICE DEPARTMENT, WHETHER HE ACCOMPANIED US OR DROVE ON HIS OWN, HOWEVER HE WANTED TO GET THERE.

Q. UPON ARRIVING AT THE TRAILER PARK, SERGEANT HIGGENBOTHAM, COULD YOU PLEASE EXPLAIN HOW YOU AND THE OTHER OFFICERS DEPLOYED YOURSELVES AT THAT TIME?

A. OFFICER JOE LEE AND RESERVE OFFICER MULCAHY, UPON MY DIRECTION, WERE SENT TO THE FRONT DOOR. AND MYSELF AND RESERVE OFFICER GRAY ALSO WENT TO THE FRONT DOOR APPROXIMATELY 10 FEET BEFORE, JUST OFF TO THE LEFT.

Q. JUST TO THE LEFT.

AT THAT TIME, SERGEANT HIGGENBOTHAM, WHERE WERE YOUR WEAPONS LOCATED?

A. I ONLY HAD ONE. IT WAS IN MY HAND.

Q. IT WAS IN YOUR HAND?

[2180] A. YES, SIR.

Q. CAN YOU PERHAPS RECALL WHERE THE WEAPONS OF THE OTHER INDIVIDUALS THAT WERE WITH YOU WERE LOCATED?

A. ONLY OFFICER GRAY WHO WAS BY MY SIDE. AND SHE HAD HER WEAPON IN HER HAND.

Q. YOU DO NOT RECALL WHERE THE GUNS OF THE OTHER TWO OFFICERS WERE?

A. NO, SIR. THEY WERE IN FRONT OF ME, AND I COULDN'T SEE.

Q. DID YOU GIVE THE INSTRUCTION FOR THE WEAPONS TO BE DRAWN, OR WAS THAT SUGGESTED BY SOMEONE ELSE, OR WHAT?

A. I DID NOT GIVE THAT DIRECTION.

Q. DID YOU, SAY, IN YOUR OWN INITIATIVE DRAW YOUR GUN.

A. I HAD MY GUN OUT, YES.

Q. WAS THERE ANY PARTICULAR REASON FOR THAT?

A. WELL, SEVERAL REASONS.

Q. COULD YOU PLEASE EXPLAIN THEM?

A. ON THAT DATE, I WAS THE SUPERVISOR FOR THE NARCOTIC AND BURGLARY SUPPRESSION TEAM WORKING UNDERCOVER ALONG WITH DETECTIVE LEE.

WE WERE IN PLAIN CLOTHES. WE WERE NOT IN UNIFORM.

WE HAD NO IDEA OF THE AREA THAT WE WERE IN. NOT FAMILIAR WITH THAT AREA.

IT WAS LATE AT NIGHT, AND WE WERE GOING INTO A TRAILER PARK THAT WE WERE UNAWARE OF TO MAKE CONTACT [2181] WITH SOMEONE WHO WE HAD NO IDEA WHO HE WAS, NOT EVEN KNOWING IF THAT PERSON WAS THERE. AND POSSIBLY EVEN STUMBLING ONTO SOMETHING OR INTERRUPTING SOME TYPE OF A CRIME.

AND THE WEAPON WAS IN A READY POSITION.

Q. WERE YOU FACING THE TRAILER THAT I WAS SUPPOSED TO HAVE BEEN IN AT THAT TIME?

A. YES, SIR.

Q. WAS OFFICER GRAY FACING THAT TRAILER?

A. YES, SIR.

Q. WERE THE OTHER TWO OFFICERS FACING THAT TRAILER?

A. YES, SIR.

Q. WITH YOUR GUNS DRAWN?

A. THE GUNS WERE OUT.

Q. WERE YOUR GUNS DRAWN?

A. COULD YOU CLARIFY WHAT YOU MEAN BY DRAWN?

Q. BEING DRAWN, MEANING FROM THE HOLSTER OR WHEREVER YOU CONTAIN THEM ON YOUR BODY AT NORMAL TIMES WHEN THEY ARE NOT IN YOUR HAND.

A. IF I CAN CLARIFY MY DEFINITION OF DRAWN?

Q. VERY WELL.

A. WHEN I DRAW MY GUN, I PULL OUT OF MY HOLSTER, AND I POINT IT AT SOMEONE. THAT'S MY DEFINITION OF DRAWING MY GUN.

Q. THERE WOULD HAVE BEEN A MISUNDERSTANDING ON MY PART THEN, YES, SIR.

A. MY WEAPON, USING MY DEFINITION, WAS NOT [2182] DRAWN.

Q. VERY WELL, THANK YOU.

BUT YOU HAD YOUR GUN OUT IN CASE OF RUNNING INTO SOMETHING ELSE WITHIN THE PARK.

IS THAT CORRECT?

A. THE WEAPON WAS OUT FOR MY PROTECTION.

Q. AND EVERYONE WAS FACING THE TRAILER I WAS IN?

A. YES, SIR. WE WERE GOING TO THAT TRAILER.

Q. NO ONE BOthered TO LOOK AROUND IN THE OTHER AREAS IN OTHER DIRECTIONS?

A. WE DROVE INTO THE TRAILER PARK, AND WE LOOKED AROUND.

BUT WHEN WE GOT TO THE SPECIFIC TRAILER, THEN OUR ATTENTION WAS ON THAT TRAILER.

Q. THANK YOU.

COULD YOU PERHAPS - YOUR HONOR, FIRST COULD WE PERHAPS HAVE THE TOP CHART REMOVED FROM THE BULLETIN BOARD.

I WOULD LIKE TO REQUEST THAT SERGEANT HIGGENBOTHAM ATTEMPT TO DRAW A DIAGRAM, PLACING THE POSITIONS OF THE VARIOUS OFFICERS IN QUESTION AS ACCURATELY AS HE POSSIBLY CAN FROM HIS MEMORY.

THE COURT: YES.

OFFICER JOHNSTON, IF YOU WOULD ASSIST.

THANK YOU.

YOU CAN PROBABLY JUST PULL IT BACK OVER THE TOP.

ALL RIGHT.

[2183] OFFICER HIGGENBOTHAM, WOULD YOU STEP TO THE BOARD. AND YOU UNDERSTAND THE DIAGRAM THAT MR. STANSBURY IS ASKING YOU TO MAKE?

THE WITNESS: YES, YOUR HONOR. I BELIEVE I DO.

MR. BURNS: WOULD THE RECORD INDICATE THAT THE DIAGRAM THAT WAS ON THE BOARD WAS COVERED PRIOR TO THIS OFFICER TESTIFYING. AND IT HAS BEEN REMOVED IN SUCH A MANNER THAT HE WAS NOT ABLE TO VIEW IT.

THE COURT: I BELIEVE THE RECORD ALREADY INDICATES THAT. BUT YES, IT MAY SO INDICATE THAT.

MR. BURNS: ALL RIGHT. FINE. THANK YOU.
BY DEFENDANT STANSBURY:

Q. I THINK THAT YOU HAVE INDICATED THE VARIOUS INDIVIDUALS BY X'S.

I CANNOT MAKE OUT THE NAMES FROM THIS DISTANCE.

COULD YOU PLEASE EXPLAIN THEM TO ME?

A. THIS IS THE FRONT DOOR OF THE TRAILER, AS I RECALL IT.

THIS IS OFFICER LEE, OFFICER MULCAHY, MYSELF, AND OFFICER GRAY.

Q. AND WHERE WOULD YOUR CARS HAVE BEEN PARKED, OFFICER HIGGENBOTHAM?

A. AS I RECALL, THE VEHICLES WERE PARKED - I THINK THE DIRECTION WOULD BE SOUTH BECAUSE THIS IS NORTH.

Q. COULD YOU PERHAPS PLACE YOUR FIRST INITIAL AND LAST NAME ON THE DIAGRAM.

A. ANYWHERE ON THE DIAGRAM?

[2184] Q. YES, ANYWHERE ON THE DIAGRAM.
THANK YOU.

THE COURT: YOU MAY RESUME YOUR SEAT?

THE WITNESS: THANK YOU.

DEFENDANT STANSBURY: I WOULD HAVE NO FURTHER QUESTIONS AT THAT TIME.

THE COURT: MR. BURNS?

CROSS-EXAMINATION +

BY MR. BURNS:

Q. MR. HIGGENBOTHAM, PRIOR TO GOING TO THAT TRAILER, HAD YOU DISCUSSED A DIFFERENT DEPLOYMENT AROUND THE TRAILER?

A. YES, SIR.

Q. AND DID YOU DISCUSS THAT DEPLOYMENT WITH OFFICER LEE?

A. YES, SIR.

Q. WHAT DEPLOYMENT DID YOU DISCUSS PRIOR TO GOING INTO THE TRAILER WITH OFFICER LEE?

A. NOT BEING FAMILIAR WITH THE TRAILER OR THE SURROUNDINGS, NORMALLY WE TAKE POSITIONS OF COVER AT CORNERS TO CONTAIN ALL THE SIDES OF A BUILDING.

HOWEVER, UPON ARRIVING AT THE TRAILER PARK, THAT DEPLOYMENT HAD CHANGED BECAUSE OF THE SURROUNDINGS, AND IT WAS BETTER COVERAGE FROM THE POINT THAT WE TOOK WHEN WE GOT THERE RATHER THAN THE PLANNED DEPLOYMENT PRIOR TO ARRIVING.

Q. OFFICER HIGGENBOTHAM, AT THE TIME YOU WENT TO [2185] TALK TO MR. STANSBURY, WERE YOU INSTRUCTED THAT HE WAS A SUSPECT OR A WITNESS IN THIS CASE, OR DID YOU RECEIVE ANY SUCH INSTRUCTION?

A. THE ONLY INFORMATION WE RECEIVED IS HE WAS WANTED FOR QUESTIONING. WAS THERE ANY INDICATION AT THAT TIME THAT IF HE DID NOT WISH TO COME THAT YOU WERE TO ARREST HIM OR TAKE ANY KIND OF CUSTODY OF HIM AT THAT TIME?

A. NO, SIR.

Q. I BELIEVE YOU INDICATED YOU WERE TO OFFER HIM THE OPPORTUNITY OF DRIVING HIMSELF TO THE POLICE STATION?

A. YES, SIR.

MR. BURNS: I HAVE NO FURTHER QUESTIONS.

THE COURT: MR. STANSBURY?

REDIRECT EXAMINATION +

BY DEFENDANT STANSBURY:

Q. SERGEANT HIGGENBOTHAM, I BELIEVE YOU WERE WORKING PRIOR TO THAT TIME, THAT NIGHT, WERE YOU NOT?

MR. BURNS: OBJECTION.

THE WITNESS: ON THE NIGHT OF SEPTEMBER 29TH OF 1982 -

MR. BURNS: OBJECTION, YOUR HONOR. BEYOND THE SCOPE OF MY CROSS-EXAMINATION.

THE COURT: SUSTAINED.

DEFENDANT STANSBURY: THEN, YOUR HONOR, AT THIS TIME, MAY I REOPEN?

THE COURT: YES, YOU MAY.

[2186] BY DEFENDANT STANSBURY:

Q. SERGEANT HIGGENBOTHAM, ON THE EVENING OF SEPTEMBER THE 29TH, 19892, PRIOR TO APPROACHING THE TRAILER PARK IN QUESTION, DID YOU HAVE OCCASION TO GO TO ANY OTHER AREA WITHIN THE CITY OF POMONA?

A. YES, SIR, I DID.

Q. WHAT WAS THAT PURPOSE FOR -

A. TO LOCATE A PERSON BY THE NAME OF YUSUF, AND I DON'T RECALL THE LAST NAME.

Q. COULD YOU RECALL APPROXIMATELY WHAT TIME THAT MAY HAVE BEEN?

A. I BELIEVE IT WAS AROUND 7 O'CLOCK, 7:00 P.M. IN EVENING.

Q. UPON ARRIVAL THERE, WHAT PARTICULAR OFFICERS WERE WITH YOU AT THAT TIME?

A. OFFICER GRAY WAS WITH ME. AND OFFICER JOE LEE AND MULCAHY WERE PARTNERS.

Q. WERE ANY OTHER OFFICERS FROM ANY BRANCH OF LAW ENFORCEMENT SUMMONED, OR

DID ANY OTHER OFFICERS IN ANY OTHER BRANCHES OF LAW ENFORCEMENT ARRIVE AT THAT ADDRESS?

A. WHAT ADDRESS?

Q. WHERE YOU WERE ATTEMPTING TO FIND YUSUF.

A. YES, THEY DID.

Q. WHO WOULD THAT HAVE BEEN?

A. DETECTIVE BELL AND SERGEANT JOHN-STON THAT I RECALL.

Q. AND WAS THAT BEFORE OR AFTER ENTER-
ING THAT ADDRESS?

[2187] A. BEFORE.

Q. BEFORE. WERE THEY CALLED?

A. YES, SIR.

Q. WAS THERE ANY PARTICULAR REASON
THAT THEY WERE CALLED?

A. YES, SIR.

Q. WHAT WOULD THAT HAVE BEEN?

A. I WAS DIRECTED TO SEE IF I COULD LOCATE
A YUSUF, AND I DID.

AND I MADE THE NOTIFICATION THAT I HAD
LOCATED HIM.

Q. YOU HAD LOCATED HIM?

A. OR POSSIBLY LOCATED HIM.

Q. BUT THIS WAS PRIOR TO YOUR ENTRY?

A. YES, SIR.

Q. HAD YOU KNOCKED ON THE DOOR AT
THAT TIME?

A. I NEVER WENT TO ANY DOOR.

Q. YOU NEVER WENT TO ANY DOOR.

HAD ANYONE ELSE KNOCKED ON THE DOOR
THAT WAS WITH YOU DURING THAT PERIOD OF
TIME?

A. NOT THAT I KNOW OF.

I WAS IN MY SURVEILLANCE VEHICLE WITH
OFFICER GRAY.

I NEVER MADE ANY CONTACT IN ANY APART-
MENT OR ANY HOUSE OR ANYTHING.

Q. UPON THE ARRIVAL OF SERGEANT JOHN-
STON AND DETECTIVE BELL, WHAT OCCURRED AT
THAT TIME?

[2188] A. THEY WERE ADVISED THAT WE WERE
WATCHING AN APARTMENT COMPLEX WHERE WE
BELIEVED THAT YUSUF WAS AT.

Q. YOU WERE WATCHING HIM AS IN A STAKE
OUT?

A. YES.

[2189] Q. BUT THIS WAS ONLY SUPPOSED TO
HAVE BEEN A POSSIBLE WITNESS?

A. YES, SIR.

Q. IS IT NORMAL TO STAKE OUT A POSSIBLE WITNESS IN THIS MANNER?

A. I HAVE.

Q. BUT IS IT NORMAL?

MR. BURNS: OBJECTION, YOUR HONOR. NORMAL FOR WHAT CIRCUMSTANCES? I'M NOT SURE I UNDERSTAND WHAT THE QUESTION MEANS.

THE COURT: SUSTAINED.

BY DEFENDANT STANSBURY:

Q. WOULD IT BE NORMAL POLICE PROCEDURE IF IN ATTEMPTING TO FIND A WITNESS AND YOU HAVE HIS ADDRESS AT THAT TIME TO GO TO THAT ADDRESS, STAY OUTSIDE, CONTACT SOMEONE ELSE WHO HAD ARRIVED AT THAT ADDRESS AND STAKE OUT THAT PROSPECTIVE WITNESS UNTIL THE ARRIVAL OF THE SHERIFF'S DEPARTMENT ON THE SCENE?

A. YES, SIR.

Q. SO THIS IS A VERY COMMON OCCURRENCE?

A. YES, SIR.

Q. WHO WAS IT - I BELIEVE YOU ALREADY SPECIFIED MR. JOHNSTON WENT TO THE DOOR?

A. I DON'T KNOW WHO WENT TO THE DOOR, SIR. I WASN'T AT THE APARTMENT.

Q. YOU NEVER WENT IN AT ALL?

A. NO, SIR.

Q. DO YOU KNOW WHO DID?

[2190] A. NO, SIR, I DON'T.

Q. DID YOU REMAIN UPON THE SCENE AT THAT TIME?

A. I WAS ON A STREET AWAY FROM THE APARTMENT.

Q. OH, I SEE.

WHAT TYPE OF INFORMATION HAD YOU RECEIVED RELATING TO THE ALLEGED CRIMES PRIOR TO YOUR BEING SENT TO ATTEMPT TO FIND MR. YUSUF AND MYSELF?

A. ONLY THAT A CRIME HAD OCCURRED OR MISSING PERSONS REPORT THAT A JUVENILE WAS FOUND AND HER NAME WAS ROBYN JACKSON AND LOS ANGELES SHERIFF'S HOMICIDE WAS INVESTIGATING THE CASE.

Q. WERE YOU WORKING THE PRIOR DAY OF SEPTEMBER THE 28TH, 1982?

A. THAT WOULD HAVE BEEN THE 27TH?

Q. 28TH.

A. YOU ASKED IF I WAS WORKING THE PRIOR DAY.

Q. YES, OF THE 28TH?

A. WHICH WOULD BE THE 27TH?

Q. WERE YOU WORKING ON THE 28TH?

A. I BELIEVE I WAS, I'D HAVE TO SEE A CALENDAR TO SEE EXACTLY WHAT DAY IT WAS.

Q. I BELIEVE THAT WOULD HAVE BEEN THE DAY THE CRIME WAS ALLEGEDLY COMMITTED?

A. NO, SIR. I MEAN THE DAY OF THE WEEK.

Q. SIR?

A. THE DAY OF THE WEEK, A MONDAY OR TUESDAY OR A WEDNESDAY. I WORK MONDAY THROUGH FRIDAY.

Q. THAT WOULD HAVE BEEN TUESDAY THEN?

[2191] A. YES, SIR, I DID WORK.

DEFENDANT STANSBURY: THANK YOU, LIEUTENANT JOHNSTON.

BY DEFENDANT STANSBURY:

Q. WERE YOU AT ANYTIME DURING THE DAY OF THE 28TH OF SEPTEMBER 1982 ASSIGNED IN ANY WAY TO ASSIST IN THE MISSING PERSONS REPORT RELATING TO ROBYN JACKSON?

A. NO, SIR.

Q. APPROXIMATELY WHAT TIME DID YOU BECOME AWARE OF THAT REPORT BEING ISSUED?

THE COURT: WHAT REPORT?

DEFENDANT STANSBURY: THE REPORT CONCERNING ROBYN JACKSON BEING MISSING.

MR. BURNS: YOUR HONOR, I'LL OBJECT AT THIS POINT. I DON'T THINK WE'VE ESTABLISHED A PRELIMINARY FACT THAT THE OFFICER WAS EVER AWARE OF THE REPORT BEING ISSUED AT THIS POINT IN TIME.

THE COURT: SUSTAINED.

DEFENDANT STANSBURY: PERHAPS I WAS WRONG. I MAY BE THINKING OF SOMETHING ELSE.

I WAS UNDER THE IMPRESSION THAT SERGEANT HIGGENBOTHAM HAD SPECIFIED EARLIER THAT HE WAS AWARE OF THE MISSING PERSONS REPORT RELATING TO ROBYN JACKSON.

THE COURT: I DON'T RECALL THAT TESTIMONY IF THAT'S THE CASE, MR. STANSBURY.

I THINK MR. BURNS IS OBJECTING TO THE FACT HE'S BEEN ORDERED BY OR DIRECTED BY SOME OTHER OFFICER TO STAKE OUT, PICK UP A WITNESS OR WHATEVER. BUT I DON'T [2192] KNOW THAT WE'VE ESTABLISHED THAT HE RECEIVED OR READ OR HEARD A REPORT OF THE INCIDENT ITSELF.

YOU MAY WISH TO INQUIRE.

DEFENDANT STANSBURY: I'M SORRY, YOUR HONOR.

I DIDN'T -

MR. DAUGHERTY: INQUIRE.

BY DEFENDANT STANSBURY:

Q. WERE YOU AT ANYTIME ON THAT DATE OR DID YOU BECOME AWARE OF A MISSING PERSONS REPORT RELATING TO ROBYN JACKSON?

A. YES, SIR.

Q. APPROXIMATELY WHAT TIME WAS IT THAT YOU BECAME AWARE OF THAT REPORT?

A. WHEN I REPORTED FOR DUTY, IT WOULD HAVE BEEN THE MORNING OF THE 29TH.

Q. SO YOU WERE NOT ACTUALLY AWARE OF IT UNTIL THE 29TH OF SEPTEMBER 1982?

A. THAT'S CORRECT.

Q. WHAT TIME WOULD THAT HAVE BEEN?

A. I NORMALLY CAME IN ABOUT EIGHT O'CLOCK IN THE MORNING, SO RIGHT AROUND THAT TIME.

Q. YOU WORKED FROM 8:00 A.M. UNTIL WHAT TIME?

A. NORMAL SCHEDULE IS EIGHT TO 5:00 P.M.

DEFENDANT STANSBURY: THANK YOU.

I HAVE NO FURTHER QUESTIONS AT THIS TIME, YOUR HONOR.

THE COURT: MR. BURNS?

[2193] CROSS-EXAMINATION +

BY MR. BURNS:

Q. MR. HIGGENBOTHAM, WHEN YOU INDICATE THAT YOU WERE AWARE OF A MISSING PERSONS REPORT, WERE YOU AWARE THAT THE INCIDENT HAD BEEN REPORTED TO THE POLICE DEPARTMENT?

A. YES, SIR.

Q. HAD YOU ACTUALLY READ ANY TYPED COPY OF ANY POLICE REPORT WHICH MIGHT HAVE

BEEN LABELED MISSING PERSONS REPORT ON THAT DATE?

A. NO, SIR.

MR. BURNS: NO FURTHER QUESTIONS.

DEFENDANT STANSBURY: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

YOU ARE FREE TO GO,

THE WITNESS: THANK YOU.

MR. DAUGHERTY: MAY WE HAVE A SHORT TIME TO CONFER?

THE COURT: YES.

MR. DAUGHERTY: I BELIEVE WE'RE GOING TO CALL DEFECTIVE BELL NEXT, YOUR HONOR.

THE COURT: IS DETECTIVE BELL HERE?

MR. BURNS: YES, YOUR HONOR.

WE ALSO HAVE A DETECTIVE WILLIE MILLER HERE AND A RESERVE OFFICER GRAY HERE.

AND AT THIS POINT IN TIME, IS THE DEFENSE INTERESTED IN HAVING THEM AVAILABLE?

MR. DAUGHERTY: I DON'T THINK IT'S GOING TO BE [2194] NECESSARY TO HAVE WILLIE MILLER OR DETECTIVE GRAY, IS IT, MR. STANSBURY?

DEFENDANT STANSBURY: I WOULD THINK THAT IT WOULD BE.

MR. DAUGHERTY: IF SO, WE MAY WANT TO CALL WILLIE MILLER RIGHT NOW.

DEFENDANT STANSBURY: I WOULD NOT WANT TO CALL WILLIE MILLER RIGHT NOW BECAUSE OF THE FACT THAT I BELIEVE WILLIE MILLER'S TESTIMONY SUBSTANTIATES SOMETHING ELSE FURTHER DOWN THE LINE. I BELIEVE THAT DETECTIVE BELL AND PERHAPS -

THE COURT: CALL DETECTIVE BELL.

MR. BURNS: THAT'S FINE, YOUR HONOR.

YOUR HONOR, AT THIS TIME IT WOULD BE MY INTENTION TO RELEASE WILLIE MILLER AND THE OTHER PEOPLE AND REQUEST THEM TO COME BACK TOMORROW.

THE COURT: LET'S SEE HOW LONG HE TAKES WITH DETECTIVE BELL. LET'S SEE WHERE WE GO.

DARLENE BELL, +
A DEFENSE WITNESS, HAVING BEEN FIRST DULY SWORN, TESTIFIES AS FOLLOWS:

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

YOU DO SOLEMNLY SWEAR WHAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT, SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD.

[2195] THE WITNESS: I DO.

THE CLERK: PLEASE TAKE THE WITNESS STAND.

STATE YOUR NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

THE WITNESS: DARLENE BELL, B-E-L-L.

THE CLERK: IS THAT DARLENE, D-A-R-L-E-N-E?

THE WITNESS: YES, IT IS.

THE COURT: WHO'S GOING TO CONDUCT THIS INVESTIGATION?

MR. DAUGHERTY: MR. ROUSTO IS GOING TO CONDUCT THIS EXAMINATION.

THE COURT: MR. ROUSTO, YOU MAY PROCEED.

MR. BURNS: EXCUSE ME, YOUR HONOR. I HATE TO BRING A SMALL TECHNICALITY TO THE COURT'S ATTENTION.

MY UNDERSTANDING IN THIS RULE IS THAT WE HAVE AT THIS POINT TWO CO-COUNSEL AND ADVISORY COUNSEL. AND UNLESS THERE'S BEEN SOME CHANGE IN THE STRUCTURE OF THE SITUATION, IT'S SOMEWHAT OF AN UNUSUAL PROCEDURE.

THE COURT: WE'RE GOING TO CUT THROUGH THE RED TAPE, AND I'M GOING TO ALLOW HIM TO PROCEED. AND LET THE CHIPS FALL WHERE THEY MAY.

YOU MAY PROCEED, MR. ROBUSTO.

THE COURT: MR. ROBUSTO, YOU MAY PROCEED.

MR. ROBUSTO: THANK YOU, YOUR HONOR. MAY I JUST HAVE A MOMENT, PLEASE IN.

THE COURT: THAT'S WHAT I WAS TRYING TO AVOID.

[2196] DIRECT EXAMINATION +

BY MR. ROBUSTO:

Q. GOOD AFTERNOON DETECTIVE BELL; HOW ARE YOU?

A. FINE, THANK YOU.

Q. DIRECTING YOUR ATTENTION TO SEPTEMBER 29TH, 1982, WERE YOU EMPLOYED BY THE BALDWIN PARK POLICE DEPARTMENT?

A. YES, I WAS.

Q. IN WHAT CAPACITY WERE YOU EMPLOYED ON THAT DATE?

A. I WAS A DETECTIVE WORKING THE NABS TEAM.

Q. I'M SORRY?

A. I WAS A DETECTIVE WORKING THE NABS TEAM; NARCOTICS AND BURGLARY SUPPRESSION TEAM.

Q. DID YOU HAVE AN OCCASION TO BE AT THE POMONA POLICE DEPARTMENT AT APPROXIMATELY 11:30?

A. YES.

Q. AND WHAT WAS YOUR PURPOSE IN BEING THERE?

A. TWO ASSIST LOS ANGELES HOMICIDE - EXCUSE ME, THE SHERIFF'S HOMICIDE.

Q. AND WITH RESPECT TO WHAT CASE?

A. STANSBURY.

Q. NOW, WHEN YOU WENT TO THE BALDWIN PARK - STRIKE THAT.

WHEN YOU WENT TO THE POMONA POLICE DEPARTMENT YOU WENT THERE WITH THE INTENTION OF INTERVIEWING MR. STANSBURY.

IS THAT CORRECT?

[2197] A. NO.

Q. YOU HAD NO INTENTIONS OF SEEING MR. STANSBURY THAT EVENING?

A. NO.

Q. WHAT WAS YOUR PURPOSE IN BEING AT THAT FACILITY AT THAT TIME?

A. I WAS TOLD TO TAKE LIEUTENANT JOHNSTON AND THE TWO OTHER HOMICIDE OFFICERS TO POMONA.

SO I WAS JUST TRANSPORTATION FOR THEM.

Q. AND YOU DROVE THEM TO THAT FACILITY?

A. YES.

Q. AND YOU WENT INTO THAT FACILITY YOURSELF?

A. YES.

Q. DID YOU HAVE ANY REASON TO REMAIN AT THAT FACILITY AFTER DROPPING OFF THE OTHER OFFICERS?

A. YES. THEY NEEDED A WAY BACK.

Q. SO YOU HAD TO TAKE THEM THERE AND YOU HAD TO TAKE THEM BACK?

A. YES.

Q. AT ANYTIME ON THAT PARTICULAR DAY, SEPTEMBER 29, 1982, DID YOU GO TO THE RESIDENCE OF MR. STANSBURY?

A. NO, I DIDN'T.

Q. HAD YOU HAD ANY PRIOR CONVERSATIONS WITH MR. STANSBURY PRIOR TO SEPTEMBER 29, 1982 AT APPROXIMATELY 11:00 P.M.?

A. NO.

Q. DID YOU HAVE AN INTERVIEW WITH MR. STANSBURY [2198] THAT EVENING?

A. I SAT IN ON AN INTERVIEW, YES.

Q. DID YOU ASK MR. STANSBURY ANY QUESTIONS?

A. NO, I DID NOT.

Q. YOU WERE PRESENT DURING A CONVERSATION WITH MR. STANSBURY AND SOMEBODY ELSE?

A. YES.

Q. AND WHO IS THE OTHER PERSONS AT THE INTERVIEW?

A. LIEUTENANT JOHNSTON.

Q. AND MR. STANSBURY?

A. AND MR. STANSBURY.

Q. DID YOU - WERE YOU AWARE OF MR. STANSBURY PRIOR TO ENTERING THE INTERVIEW ROOM?

A. YES.

I WAS TOLD OR I WAS PRESENT WHEN LIEUTENANT JOHNSTON WAS TOLD THERE WAS SOMEONE ELSE DOWNSTAIRS. SO I WAS UPSTAIRS AND WE WALKED DOWNSTAIRS, BUT ONLY THAT.

Q. PRIOR TO WALKING DOWNSTAIRS AT THE FACILITY, WHERE WERE YOU?

A. I WAS UPSTAIRS AT THE POMONA POLICE DEPARTMENT.

Q. YOU WERE UPSTAIRS.

WERE YOU DOING ANYTHING IN SPECIFIC?

A. YES.

WE WERE - WELL, I WAS STANDING OUTSIDE OF A ROOM WHERE THERE WAS A BLACK MAN IN THERE.

Q. A BLACK MAN WAS IN AN INTERVIEW ROOM?

[2199] A. YES, UH-HUH.

Q. AND WAS THAT PARTICULAR MAN BEING INTERVIEWED TO YOUR KNOWLEDGE?

A. NOT RIGHT AT THAT TIME.

Q. SO THE INTERVIEW WITH RESPECT TO THE BLACK MAN WAS NOT BEING CONDUCTED AT THE TIME THAT YOU WERE OUTSIDE OF THAT ROOM?

A. RIGHT.

Q. COULD YOU HEAR WHAT WAS TAKING PLACE INSIDE THE ROOM?

A. IF I RECALL RIGHT, JUST EVERYBODY WAS JUST STANDING AROUND.

Q. COULD YOU SEE INTO THE INTERVIEW ROOM WHERE THE BLACK MAN WAS?

A. YES. THE DOOR WAS OPEN.

Q. THE DOOR WAS OPEN AND WHO WAS IN THAT ROOM?

A. THERE WAS OFFICER OR EXCUSE ME INVESTIGATOR RIORDAN, PATTERSON AND LIEUTENANT JOHNSTON.

Q. AND YOU WERE OUTSIDE THAT ROOM?

A. RIGHT.

Q. AND THE INTERVIEW HAD NOT STARTED; IS THAT CORRECT?

A. NOT THAT I CAN RECALL, NO.

Q. WERE YOU AT THE FACILITY WHEN THE BLACK MAN ARRIVED?

A. YES.

Q. DO YOU RECALL WHAT TIME YOU ARRIVED AT THE FACILITY?

[2200] A. NO, I DON'T.

Q. IS THAT A NO, I DON'T?

A. POSSIBLY NINE, 9:30. I CAN'T BE CERTAIN.

Q. DO YOU RECALL WHAT TIME THE BLACK MAN ARRIVED AT THE FACILITY?

A. THE SAME TIME I DID.

Q. AND SO YOU TRANSPORTED THE BLACK MAN TO THE FACILITY?

A. YES.

Q. THAT WAS WITH LIEUTENANT JOHNSTON?

A. RIGHTS.

Q. THAT WAS AFTER - HOW LONG AFTER ARRIVING AT THE FACILITY DID YOU AND MR. JOHNSTON GO DOWNSTAIRS TO START TALKING TO MR. STANSBURY?

A. I'LL HAVE TO GUESSTIMATE 15, 20 MINUTES. I'M NOT SURE.

Q. THE BLACK MAN WAS THERE APPROXIMATELY 15 MINUTES BEFORE YOU WENT DOWN?

A. APPROXIMATELY. I'M NOT SURE.

Q. AN INTERVIEW WITH THE BLACK MAN WAS NOT BEING CONDUCTED PRIOR TO YOU GOING DOWN AND SITTING IN ON AN INTERVIEW WITH MR. STANSBURY; IS THAT CORRECT?

A. NOT THAT I CAN REMEMBER, NO.

Q. WAS THERE - DO YOU RECALL WHAT TIME THE INTERVIEW STARTED WITH MR. STANSBURY?

A. APPROXIMATELY ABOUT 11 [sic] O'CLOCK, I BELIEVE.

Q. DO YOU RECALL HOW LONG THE INTERVIEW LASTED?

A. 20, 25 MINUTES, POSSIBLY.

[2201] Q. AND WAS THERE ANYBODY ELSE IN THE ROOM?

A. JUST WHOEVER I STATED.

Q. ANYBODY ELSE COME INTO THE ROOM AT ANYTIME?

A. NO.

Q. NOBODY ELSE CAME INTO THAT ROOM?

A. NO.

Q. WERE YOU IN THE ROOM THE ENTIRE TIME?

A. YES.

Q. YOU NEVER LEFT THE ROOM?

A. OH, I LEFT THE ROOM - I'M SORRY AT ONE POINT, I DID.

Q. DID YOU EVER GO BACK INTO THAT ROOM?

A. NO.

Q. NOW, LIEUTENANT JOHNSTON WAS THE PERSON THAT WAS CONDUCTING THE INTERVIEW; IS THAT CORRECT?

A. RIGHT.

Q. DID LIEUTENANT JOHNSTON IN YOUR PRESENCE ADVISE MR. STANSBURY OF HIS MIRANDA RIGHTS?

A. NO.

Q. DID MR. JOHNSTON ASK QUESTIONS OF MR. STANSBURY?

A. YES.

Q. AND WHAT KIND OF - WAS MR. STANSBURY GIVING SPECIFIC ANSWERS BACK TO MR. JOHNSTON?

A. HE WOULD ANSWER HIS QUESTION.

Q. NOW, DURING THE TIME OF THIS INTERVIEW, WERE YOU TAKING NOTES?

A. NO.

[2202] Q. DID YOU TAKE ANY NOTES OF THE INTERVIEW WITH MR. STANSBURY?

A. NO.

Q. WAS THERE A TAPE RECORDING OF THE INTERVIEW WITH MR. STANSBURY?

A. NO.

Q. AT A LATER TIME, DID YOU WRITE DOWN ANY TYPE OF NOTES WITH RESPECT TO THE INTERVIEW?

A. NO.

Q. DID YOU PREPARE ANY TYPE OF POLICE REPORT WITH RESPECT TO THE INTERVIEW?

A. NO.

Q. NOW, YOU HAD INFORMATION ABOUT THE ALLEGED MURDER OF ROBYN JACKSON; IS THAT CORRECT?

A. I'M SORRY, WHAT DID YOU SAY?

Q. AT THE TIME OF THIS INTERVIEW, YOU HAD INFORMATION ABOUT THE ALLEGED MURDER OF ROBYN JACKSON; IS THAT CORRECT?

A. YES.

Q. WHEN DID YOU FIRST ACQUIRE THIS INFORMATION?

A. THE MORNING OF THE 29TH.

Q. APPROXIMATELY WHAT TIME?

A. EIGHT O'CLOCK WHEN I FIRST CAME TO WORK.

Q. THE NORMAL SHIFT WAS EIGHT TO FIVE?

A. YES.

Q. AND IT'S OBVIOUS YOU WORKED OVER-TIME?

A. YES.

Q. WHAT INFORMATION DID YOU RECEIVE WHEN YOU [2203] WENT INTO THE BALDWIN PARK POLICE DEPARTMENT IN REPORTING FOR WORK?

A. ONLY THAT WE HAD A SMALL CHILD THAT WAS KIDNAPPED AND THEY HAD FOUND HER MURDERED AND THAT WAS BASICALLY IT.

Q. AND HOW DID YOU ACQUIRE THAT INFORMATION?

A. FROM SERGEANT HIGGENBOTHAM.

Q. WERE YOU WORKING WITH MR. HIGGENBOTHAM ON THAT DATE?

A. YES. HE IS MY SERGEANT.

Q. WAS HE YOUR SUPERVISOR ON THAT DATE?

A. YES.

Q. YOU WERE WORKING WITH HIM PERSONALLY?

A. NOT PERSONALLY. MY PARTNER WAS JOE LEE. BUT SERGEANT HIGGENBOTHAM WAS MY SUPERVISOR.

Q. DID YOU WORK ON THAT PARTICULAR CRIME PRIOR TO THE INTERVIEW WITH MR. STANSBURY?

A. NO.

Q. DID YOU -

A. OH, EXCUSE ME. YES, I DID.

Q. AND WHAT DID YOU DO?

A. I WAS IN CHARGE OF APPROXIMATELY FIVE OR SIX RESERVE OFFICERS THAT WERE TOLD TO GO OUT AND RECHECK THE NEIGHBORHOOD.

Q. WHEN YOU SAY YOU WERE IN CHARGE, YOU WERE SUPERVISING FIVE OR SIX OTHER OFFICERS?

A. YES.

[2204] Q. AND THOSE ARE RESERVE OFFICERS?

A. YES.

Q. YOU DIRECTED THEM TO DO CERTAIN ACTS?

A. YES.

Q. WITH RESPECT TO THE INVESTIGATION OF THE MURDER; IS THAT CORRECT?

A. YES.

Q. AND YOU TOLD THEM TO GO TO PHELAN STREET?

A. I WAS TOLD BY SERGEANT HIGGENBOTHAM TO GO TO PHELAN STREET JUST TO KIND OF SUPERVISE THE CHECK OF THE AREA.

Q. SO YOU CANVASSED THE AREA?

A. RIGHTS.

Q. AND DID YOU DO THAT PERSONALLY AS WELL AS THE OTHER OFFICERS?

A. NO.

I MORE OR LESS JUST STOOD AROUND AND MADE SURE EVERYTHING WAS GOING OKAY.

I THINK I CHECKED A COUPLE HOUSES, BUT THERE WASN'T ANYBODY HOME.

Q. NOW, PRIOR TO GOING TO - STRIKE THAT.

WHAT TIME DID YOU GO OUT TO PHELAN STREET?

A. APPROXIMATELY SIX O'CLOCK IN THE EVENING.

Q. SO FROM 8:00 A.M. UNTIL 6:00 P.M., IS IT YOUR TESTIMONY THAT YOU DID NOTHING WITH RESPECT TO THE INVESTIGATION OF THIS CRIME?

A. THAT'S TRUE.

Q. DID YOU HAVE, PRIOR TO GOING TO PHELAN STREET [2205] AT 6:00 P.M., DID YOU HAVE ANY INFORMATION OTHER THAN WHAT YOU PREVIOUSLY RELATED ABOUT THE FACTS OF THIS CASE?

A. NO.

Q. HAD YOU TALKED TO OTHER OFFICERS ABOUT THE ABDUCTION AND THE MURDER?

A. NO.

Q. DID ANYBODY AT BALDWIN PARK TALK TO YOU ABOUT THE ABDUCTION AND THE MURDER

PRIOR TO YOU GOING TO PHELAN STREET AT APPROXIMATELY 6:00 P.M.?

A. ONLY THINGS THAT I HEARD IN THE HALLWAY. BECAUSE I WAS PERFORMING MY OWN DUTIES THAT DAY. I HAD A CASE LOAD OF MY OWN.

Q. WHAT DID YOU HEAR IN THE HALLWAY?

A. JUST BASICALLY THAT THE LITTLE GIRL WAS FOUND. SHE WAS KIDNAPPED. BASICALLY WHAT I'D HEARD EARLIER IN THE MORNING.

Q. WAS THERE ANY TALK ABOUT A POTENTIAL SUSPECT?

A. NO.

Q. NO CONVERSATION ABOUT A POTENTIAL SUSPECT AT ALL?

A. NO.

Q. WAS THERE - DID YOU HEAR ANYTHING ABOUT AN ICE CREAM TRUCK DRIVER?

A. NOT AT THAT TIME, NO.

Q. AT WHAT POINT IN TIME DID YOU HEAR ABOUT AN ICE CREAM TRUCK DRIVER?

A. WHEN I WAS TOLD TO TAKE THE HOMICIDE GUYS OUT TO POMONA.

[2206] Q. THAT WOULD BE LIEUTENANT JOHNSTON?

A. RIGHT.

Q. AND IS THAT MR. RIORDIAN [sic]?

A. YES, AND MR. PATTERSON.

Q. AT THAT POINT IN TIME, YOU HAD INFORMATION ABOUT ICE CREAM TRUCK DRIVER?

A. YES.

Q. AND YOU RECEIVED THAT INFORMATION FROM THE INVESTIGATORS JOHNSTON, RIORDAN AND PATTERSON?

A. YES.

Q. AND WHAT DID THEY TELL YOU?

A. ONLY THAT I WAS SUPPOSED TO TAKE THEM OUT TO POMONA. THAT THEY WERE GOING TO LOOK FOR A POSSIBLE WITNESS THAT HAD BEEN AN ICE CREAM TRUCK DRIVER, THAT HE MIGHT HAVE BEEN IN THE AREA.

Q. DID THEY RELAY ANY INFORMATION TO YOU THAT THEY HAD ABOUT FACTS INVOLVING THIS PARTICULAR CASE?

A. NO.

Q. ABOUT A POTENTIAL SUSPECT?

A. NO.

Q. SO THE ONLY INFORMATION THAT YOU HAD ABOUT THIS WAS THAT THEY HAD A POSSIBLE WITNESS?

A. YES.

Q. WHO WAS AN ICE CREAM TRUCK DRIVER?

A. YES.

Q. DID THEY TELL YOU THE PHYSICAL DESCRIPTION OF THIS ICE CREAM TRUCK DRIVER?

A. BASICALLY I THINK HE WAS BLACK IS ALL I CAN [2207] REMEMBER.

Q. IT WAS ONE ICE CREAM TRUCK DRIVER?

A. YES.

Q. YOUR INTENTION WAS TO DRIVE THEM OUT TO INTERVIEW ONE DRIVER?

A. RIGHT.

Q. YOU HAD NO OTHER INFORMATION?

A. NOT AT THAT TIME, NO.

Q. NO OTHER INFORMATION ABOUT ANOTHER PERSON?

A. NOT AT THAT TIME, I DON'T REMEMBER,

Q. AT SOME POINT IN TIME YOU DID?

A. YES.

Q. WHEN WAS THAT?

A. AFTER WE GOT TO THE LOCATION, LIEUTENANT JOHNSTON ASKED SERGEANT HIGGENBOTHAM AND HIS PARTNER AND DETECTIVE JOE LEE AND HIS PARTNER TO GO TO A TRAILER PARK AND PICK UP A GENTLEMAN.

Q. DID THEY HAVE A PHYSICAL DESCRIPTION OF THAT GENTLEMAN?

A. I DON'T REMEMBER IF THEY GAVE HIM ONE OR NOT.

Q. DID THEY GIVE YOU ONE?

A. NO.

[2208] Q. DID YOU OVERHEAR THEM GIVING MR. LEE A PHYSICAL DESCRIPTION OF THE WITNESS?

A. NO.

Q. WAS THERE ANYTHING SAID - ANYTHING ELSE SAID?

A. I'M SORRY.

Q. WAS THERE ANYTHING ELSE SAID TO MR. LEE?

A. NOT THAT I CAN REMEMBER.

Q. IN CANVASSING THE PHELAN AREA, PHELAN STREET AREA, DID YOU HAVE ANY INFORMATION BEFORE YOU WENT OUT TO THAT PARTICULAR AREA?

A. ONLY THE INFORMATION I TOLD YOU.

Q. DID YOU HAVE INFORMATION THAT'S WHERE THE VICTIM RESIDED?

A. YES.

Q. DID YOU HAVE AN ADDRESS WHERE SHE RESIDED?

A. YES.

Q. DID YOU GO TO THAT ADDRESS?

A. I WAS TOLD NOT TO.

Q. AND WHAT KINDS OF QUESTIONS WERE YOU ASKING?

A. I DIDN'T ASK ANY QUESTIONS.

THE PEOPLE - THE HOUSES THAT I WENT TO, I THINK A COUPLE SPOKE SPANISH, AND THE OTHER ONES WEREN'T HOME.

Q. DID YOU INFORM YOUR EMPLOYEES OR THE PEOPLE THAT YOU WERE SUPERVISING WHAT TYPE OF QUESTIONS TO ASK?

A. JUST BASICALLY IF THEY HAD SEEN ANYTHING.

Q. WHEN YOU SAY ANYTHING?

[2209] A. ANYTHING SUSPICIOUS ON THE NIGHT THAT SHE DISAPPEARED.

Q. DID YOU HAVE ANY INFORMATION AS TO WHAT YOU WERE ATTEMPTING TO SOLICIT FROM THE NEIGHBORHOOD, WHAT YOU WENT TO LOOK FOR?

A. NOT THAT I CAN REMEMBER.

Q. DID YOU HAVE A PHOTOGRAPH OF THE VICTIM?

A. NO.

Q. DID YOU HAVE A PHYSICAL DESCRIPTION OF THE VICTIM?

A. I DON'T REMEMBER IF I DID OR NOT.

Q. DID YOU HAVE A VICTIM'S NAME?

A. I'M NOT SURE IF I DID.

Q. DID YOU KNOW THE TIME THAT THE VICTIM WAS ALLEGEDLY ABDUCTED?

A. I DON'T REMEMBER MUCH OF WHAT HAPPENED AT THAT TIME. I DON'T REMEMBER IF I DID OR NOT.

Q. HAD YOU REVIEWED ANY POLICE REPORTS PRIOR TO GOING OUT INTO THE FIELD ON THIS CANVAS OF THE NEIGHBORHOOD?

A. NO, I DIDN'T.

Q. HAD YOU TALKED TO LIEUTENANT JOHNSTON, SERGEANT PATTERSON OR SERGEANT RIORDAN?

A. I THINK I WAS ONLY INTRODUCED TO THEM, AND THAT WAS IT. I DON'T REMEMBER.

Q. DID ANY OF THE PEOPLE THAT YOU WERE SUPERVISING HAVE ANY INFORMATION THAT YOU TURNED OVER TO THE HOMICIDE DETECTIVES ON THIS CASE?

[2210] A. I'M SORRY. WHAT DID YOU SAY?

Q. YOU WERE SUPERVISING A GROUP OF PEOPLE THAT WERE CANVASSING THE NEIGHBORHOOD.

ISN'T THAT CORRECT?

A. YES.

Q. THOSE PEOPLE WERE OUT IN THE FIELD FOR A PERIOD OF TIME UNDER YOUR SUPERVISION.

IS THAT CORRECT?

A. YES.

Q. HOW LONG WERE THEY OUT IN THE FIELD?

A. APPROXIMATELY AN HOUR AND A HALF OR TWO HOURS.

Q. THEY CANVASSED THE STREET AND THE AREA.

ISN'T THAT CORRECT?

A. YES.

Q. DID THEY TURN OVER ANY INFORMATION TO YOU ABOUT WHAT THEY HAD FOUND OUT WITH RESPECT TO THE CANVASSING?

A. NOT THAT I REMEMBER, NO.

Q. NO INFORMATION WAS ACQUIRED AS A RESULT OF YOUR EFFORTS AND BEING OUT THERE WITH FIVE OR SIX PEOPLE FOR AN HOUR AND A HALF?

A. NOTHING NEW.

IF IT WAS, I WOULD HAVE GIVEN IT TO LIEUTENANT JOHNSTON.

Q. YOU SAID NOTHING NEW.

DID YOU HAVE ANY OTHER INFORMATION BESIDES WHAT YOU'VE INDICATED PRIOR TO GOING OUT INTO THE FIELD?

[2211] A. I DON'T REMEMBER IF I DO OR NOT.

I DON'T REMEMBER WHAT I WAS TOLD ABOUT THE CASE. IT WAS TWO YEARS AGO. I JUST CAN'T RECALL.

Q. SO YOUR MEMORY IS VERY VAGUE. IS THAT YOUR TESTIMONY?

A. AT THAT POINT IN TIME, YES.

Q. DETECTIVE BELL, DURING THE INTERVIEW WITH MR. STANSBURY, DID HE EVER ASK YOU ABOUT ANY CIGARETTES?

A. NOT THAT I CAN RECALL, NO.

Q. DID HE HAVE ANY COMPLAINTS ABOUT BEING -

A. NO.

Q. DID HE ASK TO LEAVE?

A. NO.

Q. COULD HE HAVE LEFT AT THAT POINT IN TIME?

A. AS FAR AS I WAS CONCERNED, HE COULD.

Q. COULD YOU DESCRIBE THE INTERVIEW ROOM THAT YOU WERE IN WITH MR. STANSBURY AND LIEUTENANT JOHNSTON?

A. THE DIMENSIONS AND SO FORTH AND SO ON? I DON'T KNOW HOW BIG THE ROOM WAS. THERE WAS A TABLE. I BELIEVE FOUR CHAIRS. I WOULD SAY PROBABLY THE ROOM WAS, SAY, FROM THE WALL TO MAYBE THE STEP, AND FROM HERE OVER TO THE WALL, HOWEVER LONG THAT IS.

Q. WAS THERE ONE ROOM IN ENTERING?

A. YES.

Q. WAS THERE ANY OTHER DOORS?

A. NO.

Q. YOU WENT INTO THE INTERVIEW ROOM AT THE SAME [2212] TIME AS LIEUTENANT JOHNSON DID?

A. YES.

Q. WAS MR. STANSBURY ALREADY IN THE ROOM?

A. YES.

Q. AND WAS THERE ANYBODY ELSE IN THE ROOM WHEN YOU ARRIVED BESIDES MR. STANSBURY? _____

A. NOT THAT I CAN REMEMBER, NO.

THE COURT: MR. ROBUSTO, HOW MUCH MORE TIME DO YOU THINK YOU WILL HAVE ON THIS OFFICER?

MR. ROBUSTO: I HAVE A WAYS TO GO, YOUR HONOR.

THE COURT: WE'LL BE IN RECESS UNTIL 10:30.

YOU'RE EXCUSED.

(AT 4:35 P.M., AN ADJOURNMENT WAS TAKEN UNTIL THURSDAY, NOVEMBER 1, 1984, AT 10:30 A.M.)
